THE BIG WAVES: David Cort

THE NATION

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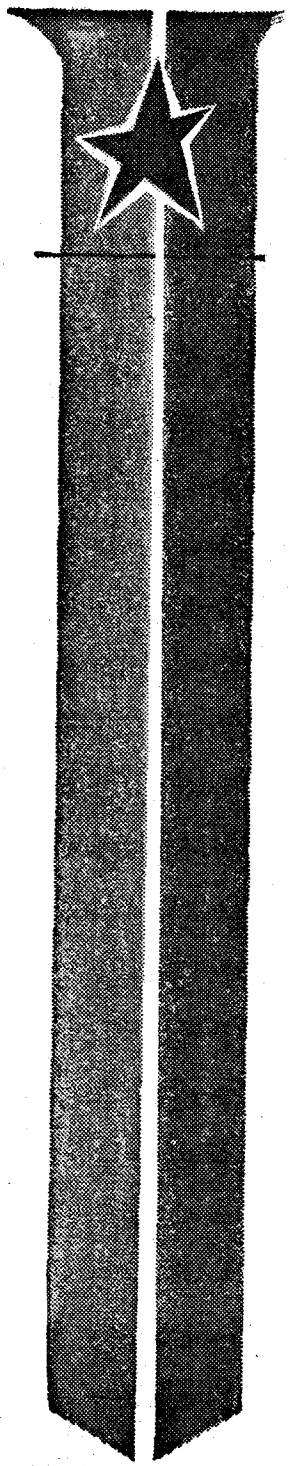

Bay of Pigs: The Unanswered Questions

Jean Edward Smith

Justice for the Poor

BANNER OF GIDEON

Robert G. Sherrill

NEW SCENES & OLD MASTERS

Susan Sontag on 'Flaming Creatures'
Germaine Bree on Henry James
Jose Yglesias on Latin American Novels
Harold Clurman on LeRoi Jones

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LETTERS

More spadework for Cook

Beaver Falls, Pa.

Dear Sirs: Mr. Cook's article on foreign lobbies (*The Nation,* Mar. 30) is revealing, important and thought-provoking. One of the thoughts naturally provoked by the article is that domestic lobbies do the same thing, but perhaps it is claimed that as a local product they have superior privileges of invading Congressional weaknesses and self-interest. I believe Mr. Cook might well continue his spadework as to pressures on foreign policy, but without the benefit of Senator Fulbright, who has a conspicuous blind spot on certain foreign governments, especially Arab nations, and on the pressures of their local allies in Big Oil. Mr. Cook does not mention that the Senator saw fit to explore the minutiae of influences on behalf of Israel, coming up with something smaller than a mouse.

Theodore A. Tenor

No nice way

Cumming, Ga.

Dear Sirs: Carl Cohen's "deliberate disobedience does not necessarily imply contempt" ("Essence and Ethics of Civil Disobedience," *The Nation,* Mar. 16) is nonsense.

Why, in the name of the preservation of the human race, do we advocates of civil rights, of disarmament, of economic adaptation, pussyfoot around with so much verbal juggling? . . . Why worry with rationalizing our contempt? The signs of social and political disintegration are here! There is simply no nice side to moral chaos! The removal of a rotten tooth is painful. The removal of a rotten law is 100 times more painful. This country does not need nice men! The times call for intelligent and courageous men! Our present corruption stems from our preference to be nice rather than right. Mr. Cohen is too obsessed with propriety.

William N. Callaway

The relevance of people

Watertown, Mass.

Dear Sirs: Mr. Caudill, in his "Appalachia: The Path from Disaster" (*The Nation,* Mar. 9) does not seem to take into account the phenomenon of modern industrialism known euphemistically as the "irrelevance of people."

The late Dr. Norbert Wiener stated shortly before his death that economic goods should be distributed on some basis other than according to services contributed. Apparently he envisioned a computerized economy manned by a coterie of scientists after the manner of the present military-space programs, and presumably with a like degree of popular participation and control. But he did not feel that people should be pauperized merely because of their irrelevance.

Dr. Wiener's vision suggests the likelihood that even if the industrial complex proposed by Mr. Caudill were erected, jobs for those presently unemployed would not be thereby created. One suspects that additional coal can be mined without the extra 3,500 men in the pits, or that electricity can be eventually generated without the use of coal. . . . The continued existence of the human spirit demands that means be found of rendering people relatively independent of industrial technology insofar as life's necessities are concerned. Such a program would be at once more modest and more ambitious than that proposed by Mr. Caudill.

Arthur L. Shipe

Dahlberg's triumph

Syosset, N.Y.

Dear Sirs: Arno Karlen's essay on Edward Dahlberg's *Bottom Dogs* and *Because I Was Flesh* (*The Nation,* Mar. 30) was distinguished by its perceptiveness and compassion. In examining the unique craft of this visionary poet, Karlen has thrown light and warmth on an artist too long reviled and neglected. . . . What a triumph of spirit *Because I Was Flesh* marks! Here in his later years this great writer, who had known decades of poverty and obscurity, while the multitude lionized meager hacks, could transcend the withering bane of neglect to write lines like, "The truth is that we can only perfect our vices, for we die with all our sins entire, and every wrong thought or dream or vision in the child matures in the man."

Jack Fields

Theobald updated

Scarborough-on-Hudson, N.Y.

Dear Sirs: Your readers who were interested in the issue on "Abundance" by Robert Theobald (*The Nation,* May 11, 1963) will wish to send for a copy of "The Triple Revolution" which is an up-to-date elaboration of his thesis.

Single copies may be obtained, free, from Maurer, Fleischer, Zon and Associates, Inc., 1120 Connecticut Ave., N.W. Washington 36, D.C. "The Triple Revolution" was presented to President Johnson as an important concept to use in his War on Poverty. . . . On the committee were Linus Pauling, Gerard Piel, Bayard Rustin, Gunnar Myrdal, Robert Theobald, Ralph Helstein, H. Stuart Hughes.

Eunice B. Armstrong

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The Cauldron of Brazil

In Latin American parlance, the "Gorilas" represent the coalition of wealthy oligarchs and military leaders who periodically stage "bogus revolutions" under the banner of anti-communism in order to stay the forces of reform. The recent overthrow of the Brazilian Government is a classic "Gorila" movement.

The reasons given for the uprising ring like a lead dollar on the bar. President Goulart was accused of wanting to legalize the Communist Party. But for the past few years the Communist Party (both Russian and Chinese versions) has been all but legal; it publishes newspapers, supports candidates and holds meetings. Goulart was accused of attempting to bring about land reform. But land reform was supposed to be a goal of the Alliance for Progress. Goulart was accused of wanting to abolish the literacy requirement for voting. Because of the literacy test, more than half of Brazil's adult population is deprived of the franchise. Little wonder that reform legislation has been smothered in the Brazilian Congress. Finally, Goulart was accused of wanting to overthrow the constitution. Yet the constitution was not violated until the "Gorilas" went to work.

Looming behind this sorry farce is the specter of encouragement from Washington. Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs, recently expressed a view that the United States would not automatically oppose military overthrow of democratic regimes in Latin America. The columnist, Charles Bartlett, some time later wrote that the pronouncement was intended to urge the Brazilian military to move against Goulart. The broad hint did not go unnoticed. Further, it is no secret that American firms in Brazil contribute heavily to IBAD, an ultra-conservative political society which backs the rebellion. This is the basis for Goulart's complaint, just before his overthrow, that foreign money was being used against him.

The forces for change in Brazil cannot be continually contained by military uprisings. Goulart failed in his reform attempts because he was an ineffective leader, and because the Congress is controlled by the conservatives. Obviously, the new government will not disturb the *status quo*. The lid is back on the cauldron, but the steam will continue to build.

Fulbright's Progress

In his call for a re-examination of American foreign policy, Senator Fulbright did the country a real if limited service. He put into words—incisive and scholarly as always—what every politically intelligent American knows: that in its foreign policy the United States is not keeping up with the times, that we see the world as it no longer is, that new, bold concepts are needed as never before. But it must not be forgotten that Senator Fulbright has never been anything but a distinguished conservative. Thus on the crucial question of the moment—American policy in Vietnam—he chose to go along with the Administration's policy, which grows more sterile with each passing month. The Senator's generalities and his precepts for the future tend to be more cogent than the action he would take in coping with present difficulties.

The reactions were predictable. Republican Chairman William E. Miller charged Fulbright with taking "the same road which Neville Chamberlain traveled in the 1930s." Miller is not such a fool as to believe that Fulbright is an appeaser; it is simply something he trots out whenever he sees a chance to bug the Administration. He also knows that a realistic policy toward the Communist nations—and our own allies—would not lead to disaster; that indeed the reverse is true. He is on solid ground, however, when he suggests that the Fulbright speech is to some extent an Administration trial balloon. Fulbright does not ask anyone's leave to state his views. He is chairman of the Senate Foreign Relations Committee, and he knows more about U.S. foreign policy than President Johnson or any member of his staff or Cabinet. For his part, President Johnson is not so oblivious of his opportunities as to ignore Fulbright's pronouncements and their aftermath. And no more than Senator Fulbright does the President need to be reminded that this is an election year. Was the intention, perhaps, to lay the groundwork for a strong counteroffensive should the Republicans charge the Democrats with being "soft on communism" or hedging on some of our cold war commitments? Whatever the intention, the balloon is now launched and the Administration can now see which way the wind is blowing.

The Nation has no doubt that it is blowing as Fulbright surmises—or he would not have made such a provocative speech well in advance of the conventions in a Presidential election year. (A check with Senator Fulbright's office reveals a mail tally — up to noon April 1 — as follows: 2,880 favorable communications, 760 unfavorable. The subsequent mail has been holding to a 5-to-1 favorable ratio.) Nor is Fulbright alone. What he said jibes closely with the views of Ambassador Stevenson, Senator John J. Sparkman, and numerous other observers who cannot by the widest stretch of the imagination be regarded as appeasers. Earlier, four leading Democratic Senators—Gruening, Church, Morse, Mansfield—have criticized U.S. foreign policy as inadequately and unrealistically conceived. Even Secretary Rusk, who by implication was himself criticized in the Fulbright speech and these earlier pronouncements, said that Fulbright and he were in agreement on some points.

Thus Mr. Fulbright has attained his first objective,

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to get the country thinking. The obstacles to tangible progress are the vested interest in error which afflicts all great establishments. Arthur Krock puts it forcefully when he says (*The New York Times*, March 31) that most high officeholders in the United States "are deeply committed to the foundational myths of American foreign policy which Fulbright is seeking to dispel," and they are reluctant to acknowledge their failures until a new climate of opinion is established and politically pretested. But Krock also says that Fulbright cannot stop at this point, that both out of patriotism and the obligations of his office, he must continue to hammer on the theme his speech has stated. Thus the stage has been set, first for an intensive foreign policy debate in the election and, if the Democrats are victorious, for the change in orientation which has become imperative.

The Southerners' Turn

"We need some old people in this thing," said Mrs. Malcolm Peabody on her arrival in St. Augustine, Fla., for a racial demonstration. "We are just what they say we are, do-gooders." Mrs. Peabody is seventy-two, the wife of a retired Episcopal bishop, the mother of the Governor of Massachusetts, and seven times a grandmother. The day after her arrival she was in jail, together with Mrs. Donald J. Campbell, wife of the Dean of the Episcopal Theological Seminary at Cambridge, Mass., Prof. J. Lawrence Burkholder, a Harvard Divinity School professor and five St. Augustine Negroes. They had declined to leave after being refused accommodations at a motel on the outskirts of town. The police were polite to the visitors, but they used dogs to break up a sit-down by Negroes elsewhere. In the jail, the Negro and white women were segregated; to that extent the Southern mores prevailed.

All this went on the front page of every newspaper in the country and on television. It is a significant gesture. Dick Gregory and James Baldwin take an apocalyptic view: the United States is a sick country; if it is to be saved, the Negroes will be the instrument of salvation. It may be so, but some of the whites want to participate in saving the country; patriotism, after all, is more than skin-deep. In the civil rights struggle the South has been invaded by white and black ministers, kids, beatniks, peaceniks, SNCC organizers, Department of Justice officials, U.S. marshals and the U.S. Army. And now by a grand lady with qualities which are deadly weapons—a name, a manner, a style, a tradition and, perhaps deadliest of all, the determination to be worthy of her forebears.

But where are the civilized white Southerners as the showdown approaches? There are not a few of them, and many are truly humane and religious. But none of these qualities avails without courage; without courage, goodness is unseen and unheard and might as well not exist. Religious devotion in particular becomes farcical if it tries to serve Caesar when the situation patently calls for it to serve God. Mrs. Peabody began the day by trying to enter Trinity Episcopal Church. "We don't want any demonstration of any kind," the church officials announced, and canceled the morning communion service. "If she had come to worship there would be no objection, but not for violence." But the whole country saw on which side the violence was.

It is hard for the civilized Southerners, no one disputes it. But if a seventy-two-year-old woman from the North can go to jail for a cause, so can they. If they show themselves in all their strength, the segregationist resistance will collapse the sooner. The saying goes: Nothing ever happens to the brave. It is true, for even if they die, death comes to them with meaning and dignity, and that is all a human being can ask. Now it is the turn of the educated South to show whether its members are worthy of *their* ancestors.

Let Us Pray

Politicians individually are no more craven than other people. But, just as the lineman on the pole knows it is sudden death to come in contact with the wires, the politician trembles at the thought of taking a position against a sentimental issue that the majority of his constituents favor. It is something that he learned at his mother's knee, and woe to anyone who would urge him to forsake it. Such an issue will confront the Congress on April 22, when the House Judiciary Committee takes up the proposed school-prayer amendments to the Constitution.

It all began with the Supreme Court's decisions of 1962 and 1963, interdicting the use of prayers or Bible selections for devotional purposes in the public schools. Shortly, via the mails, the stentorian voice of the people was heard in the Congressional halls. The members harkened, at least enough of them to introduce 144 House resolutions proposing thirty-five different forms of amendments. This multiplicity shows the complexity of the subject, which most of the petitioners blithely ignore. "Put God back in the classroom," they enjoin, and that's that. How the Supreme Court acquired the power to oust Him from the hearts of the children, if the parents took the trouble to put Him there in the first place, is no concern of theirs. They have an issue and they are pressing it with such belligerence that a discharge resolution for one of the amendments now has 161 signatures; 218 would bypass committee consideration and bring the proposal to the House floor.

The intellectual level of some of the support is shown by the printed forms of the Committee of Christian Laymen, Inc., of Woodland Hills, Calif. These godly volunteers attribute the opposition to public school prayer to "the American Civil Liberties Union and the Communist Party." In Congressman Celler's thinking the matter is not that simple. He asks, which Bible shall it be? There are several versions, not to speak of the fact that some citizens believe only in the Old Testament, some in both the Old and the New, some in neither. And who will decide on the content of the prayers—state officials, or those at the county level, the school boards or other bodies?

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Then, asks Mr. Celler, how about the teacher? Is he compelled to teach a prayer which may be at variance with his own beliefs? And what about the children, who may have been taught one thing at home and are now to be subjected to something contradictory at school?

If the resolution should reach the floor, few Congressmen would dare to vote against it, though a majority of them recognize it for an issue that is as phony as it is mischievous. But if some Congressmen take heart of grace and speak the truth aloud, both politics and religion will be in their debt.

The Overkill of Melman

The military ideal of officer "form" is pretty much on the Gary Cooper pattern—the strong man who wastes no words and remains calm under stress. This is certainly a requisite for the Air Force which, twenty-four hours a day, has its hands on the nuclear trigger. It is slightly reassuring, therefore, that the Air Force kept its poise in the face of *Dr. Strangelove* and the other movies which have been suggesting—to packed houses—that some screwball at an air or missile base might send us all to kingdom come. Yet, where Stanley Kubrick left the Air Force outwardly unmoved, Seymour Melman, a mere professor after all, seems to have provoked it beyond endurance.

Melman, a member of the engineering faculty at Columbia University and an authority on industrial management, has been telling people in the Executive branch and the Congress that the Air Force possesses gross "overkill" capacity, an impression shared even in some quarters of what President Eisenhower called the military-industrial complex. In a pamphlet titled "A Strategy for American Security," Melman wrote that the United States has nearly 22,000 megatons of strategic explosives on hand and nearly 3,400 missiles and bombers to deliver them. Melman concludes that the defense budget could be cut 50 per cent without endangering American security. So saying, he was exercising his right, and indeed his duty as a citizen and engineer, to express his views on a matter of the gravest national concern. For its part the Air Force has the right and duty to express its views via its publications, press conferences and releases, Congressional hearings, leaks and all the other ample means at its disposal. Then the public and the experts can judge.

Instead, Dr. Murray Green, associate chief of the research and analysis division in the office of the Secretary of the Air Force, flung a kind of technological bill of attainder against Professor Melman personally. Dr. Green may have concocted this 69-page blockbuster, "A Response to Professor Melman and 'Overkill,'" on his own time, but in view of his position no one regards it as anything but an official crack-down on a critic who was getting too close to the heart of the matter—which is that the indefinite hypertrophy of the U.S. nuclear establishment is not conducive to national security, but rather the opposite.

The Air Force must therefore take responsibility for the tone of the paper and its concentration on a single citizen. A discussion of technical facts is one thing; citing a citizen's "modest military record" (Melman was a second lieutenant in World War II) is quite another. Had he been a precocious colonel, he still could not have learned more about nuclear warfare than he did, nor do Dr. Green and all the air generals necessarily know better than Melman what would happen in a full-dress nuclear exchange.

Equally objectionable is the implication that Melman is a radical pacifist—they don't dare call him a Communist. In singling out an individual for this kind of political treatment, the Air Force is treading on dangerous ground.

Samuelson's Law

Senator Philip Hart's probe — through the Antitrust and Monopoly subcommittee — of the Liston-Clay fight, has brought out enough facts to warrant the conclusion that prize fighting is, as Arthur Daley, the distinguished sports editor of *The New York Times* has declared, "beyond redemption." Nor is Mr. Daley alone in this view. "Prize fighting," writes Richard Starnes in the *New York World-Telegram*, "is not manly, it is not an art and it has nothing to do with self-defense. What should be engaging the attention of the good, if not-quite-bright Senators is a law abolishing it forthwith."

The Nation concurs, but perhaps Mr. Starnes is not so bright himself in suggesting that prize fighting could be abolished. Doesn't he understand that there is a profit in the racket, and can any activity, no matter how wicked, be abolished in this society if it is profitable? If a serious proposal were advanced to abolish prize fighting, one can readily imagine the counter arguments. What about the jobs that would be eliminated? What about the loss of tax revenue? To a man, the trainers, handlers, bookmakers, manufacturers of boxing gloves, referees, commissioners, promoters of prize-fight telecasts, most sports writers, sections of the hotel and restaurant industry, lawyers with a special interest in "the manly art," all these and many more would set up a frightful cry of pain and protest. Friendly and responsive editorial writers would solemnly point out the "unfairness" of adding to the number of dropouts and youthful jobless, by denying "opportunities" to the "golden glove" boys.

And so it would go, building up into a great wail and dirge. The massive opposition to any attempt to reduce the hazards of cigarette smoking suggests what would happen if any not-so-bright Senator were to introduce a bill to outlaw prize fighting. The fact is that our affluent society has developed, at all levels, new resistances to proposals to eliminate the wasteful, the harmful, the mischievous — if it is profitable. We are indebted to economist Paul A. Samuelson of M.I.T. for a masterly formulation of the new perspective on social reform. "In the super-affluent society," he writes, "where nothing is any longer useful, the greatest threat in the world comes from anything which undermines our addiction to expenditure on things that are useless."

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Bay of Pigs

The Unanswered Questions . . . Jean Edward Smith

The ill-fated Cuban invasion took place three years ago, on April 17. Few events have aroused more interest, raised more unanswered questions, or done more to damage U. S. prestige than did the landing in the Bay of Pigs. On the political side, the invasion constituted a serious breach of national and international law. It involved a deception of the American people and the people of the world generally. It reflected gross political and professional incompetence, plus a singular naïveté concerning the efficacy of military force. Had it succeeded, the United States would very likely have paid a prohibitive political price for the balance of this century. On the operational side, the landing was a fiasco. Whether this was the fault of the military or intelligence authorities, or whether the blame resided at a higher level, remains unclear.

Although this anniversary may not be the most opportune moment for further disclosures (President Johnson, who was a member of the administration that made the Bay of Pigs decisions, will be standing for re-election in the fall), it does seem that some time in the near future a White Paper should be issued. It should explain what was to be achieved by the landing, and what factors caused it to be mounted in the first place.

It could begin by telling us how professional military planners, veterans of dozens of amphibious landings in World War II and Korea, could have blundered so badly in Cuba. Take the question of air cover. There's scarcely a schoolboy who doesn't know that Hitler's Operation Sea Lion never came off because the *Luftwaffe* failed to gain air supremacy over the English Channel. Are we to believe that the United States Joint Chiefs of Staff overlooked or disregarded so cardinal a point of seaborne assault?

We know, for example, that shortly after 6 o'clock on Saturday morning, April 15, 1961, three B-26 bombers of World War II vintage made unsupported sorties against Castro airdromes. But the Bay of Pigs landing was still forty-eight hours ahead, and any military professional knows that a pre-invasion air strike must be timed so close to the actual landing that the enemy has no chance to recover and receives no effective warning that an invasion is imminent. It is difficult to imagine a professional soldier ordering a single air strike a full two days before a "surprise" invasion. Reaction time, even in somnambulant Latin America, is not that slow.

If the invasion plan called for the landing at the Bay of Pigs early Monday morning, the supporting strike to knock out Castro's air force should have been timed for "first light" Monday morning. Why, then, the departure from the logical time pattern? The reasons obviously are not military but political.

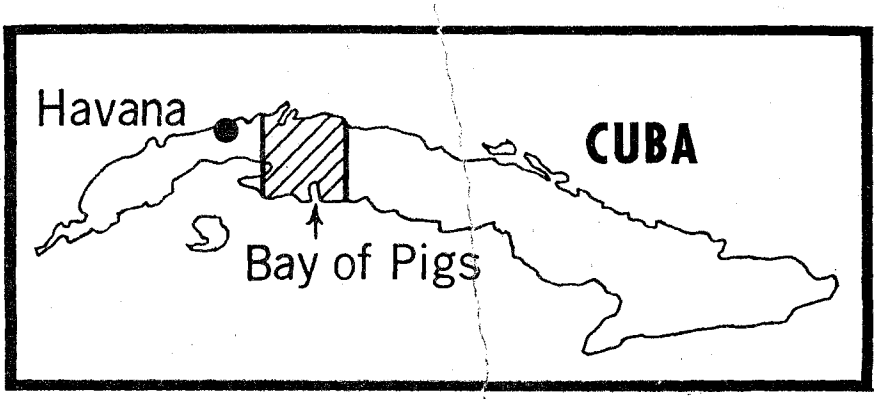
Richard M. Bissell, who headed the operation for the CIA, has confirmed that Saturday's air strike was a last-minute change in plans. He says that it was but one of many such last-minute changes which combined to defeat the entire Cuban invasion. Admiral Burke, a member of the Taylor investigating committee appointed by President Kennedy to study the background of the debacle, agrees.

What were the reasons for these self-defeating last-minute changes? Whose idea were they and who approved them? These are some of the questions a White Paper would have to answer. Was the first air strike moved up to test world opinion? This isn't the type of problem to concern a military planner, especially once the tactical operation plan has been agreed upon, and it is unlikely that the initiative for such a probe would have come from the Pentagon. The same is true of the CIA. The only other possibilities are the State Department and the White House. But if we are to believe Tad Szulc of *The New York Times*, Secretary Rusk "actively discouraged subordinates from getting involved. A few weeks before the invasion, he placed in his drawer a memorandum prepared by then Under Secretary Chester Bowles, which expressed qualified doubts about the project." It hardly seems credible then that members of the State Department would have suggested the probe, although they may not have opposed it.

This leaves only the White House. What do we know of the late President Kennedy's attitude at that time? In the earlier Guatemalan operation we know (from Senator Thruston Morton) that General Eisenhower accepted the tactical plan of the military and stuck to it. Was Mr. Kennedy similarly committed? The evidence seems otherwise.

We have been informed, for example, that Mr. Kennedy was inordinately sensitive to public opinion. We know he was uneasy at that time because of his slim election plurality, and that he earnestly desired peace. Most important, we know he had grave doubts about the entire Cuban operation. Charles J. V. Murphy wrote in *Fortune*:

> *Clear to the end* [of the Cuban invasion], *Kennedy retained tight control of the enterprise. As each*



Jean Edward Smith, a former captain in the Regular Army and now a member of the government department at Dartmouth College, is the author of The Defense of Berlin *(Johns Hopkins Press).*

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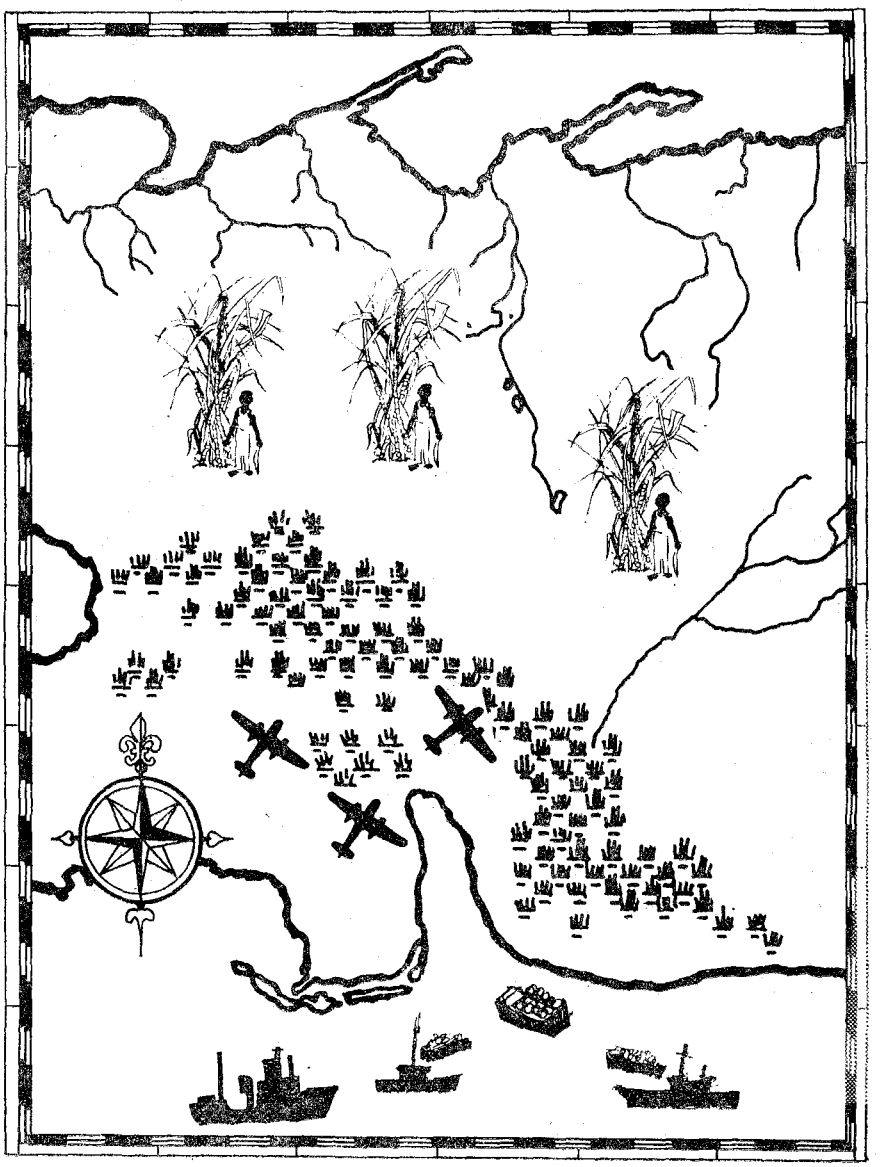
new sequence of action came up for his final approval . . . he came to his decisions quickly and firmly. All the way, however, he reserved the option to stop the landing short of the beach.

The widely reported pre-invasion planning session which was held at the State Department on April 4 — the session at which Senator Fulbright eloquently opposed the landing — supposedly left Mr. Kennedy unnerved. He withheld his decision until the following day. Mr. Kennedy's lack of enthusiasm for the invasion could explain a number of puzzles. It could explain, for instance, the virtual flood of press leaks from the White House during the week before the invasion. On Tuesday, April 11, for instance, James Reston was able to report in *The New York Times* that "a sharp fight has developed within the Kennedy Administration about how far to go in helping the Cuban refugees to overthrow the Castro government." He added:

The dispute has been going on at the very top of the Government for the last two weeks and President Kennedy has been receiving conflicting advice from his principal advisers in the White House, the Central Intelligence Agency and the State and Defense Departments. . . .

So far as has been determined, the President has not yet decided how far to go. . . .

Reston's article has all the earmarks of a deliberate leak. Taken together, his several pre-invasion pieces give the impression that officials who were opposed to the operation were using the *Times* to get their story across.



Detail of Map on Left — Harry Moss

One of the ironic consequences of these press leaks was that after the invasion collapsed it was impossible to deny U. S. involvement. Indeed, high Washington sources, including those with a firsthand knowledge of the Taylor report, refer to the press speculations as the greatest blunder in the whole Cuban episode. For by exposing our involvement beforehand, these leaks nullified many of the refinements in the CIA operation.

The B-26s are a clear example. The planes were slow and admittedly ill-suited for sustained tactical operations. Their overriding virtue was that, as war surplus, they were freely available on the international armaments market. The same was true of the ships carrying the invasion force from Guatemala. Slow and barely seaworthy, each had been of Cuban registry for "years and years." A like thoroughness characterized the entire operation: every item of equipment allocated to the rebels could be freely purchased throughout the Western world, and thus, U.S. involvement could be readily denied. Yet in the week before the landing, leaks that could have come only from sources familiar with the operation exposed our complicity. Aside from the fact that Castro may have been tipped off by these freely ventilated rumors, the effect was to place United States prestige squarely on the line.

But seen in the light of anti-invasion sentiment, Mr. Kennedy's press conference remarks of April 12 are a great deal more meaningful. Asked whether a decision had been reached on how far the United States would go in "helping an anti-Castro uprising or invasion in Cuba," the President explicitly disclaimed U. S. participation. "The basic issue in Cuba is not one between the United States and Cuba. It is between the Cubans themselves. I intend to see that we adhere to that principle." The statement emphasizes Mr. Kennedy's awareness of world opinion and his concern for our public image. If the first air strike was moved up to test world opinion, the whole affair seems more plausible.

Indeed, if this were true, a lot of the pieces would fall into place. A last-minute alteration in plans could explain why Ambassador Stevenson, who apparently was familiar with the original scheme,

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was obviously caught off base at the UN Saturday afternoon. And no one could have ordered this change except the President.

A sudden change in plans would explain other inconsistencies of the Saturday affair — the sloppily camouflaged planes, the hasty and all-too-false cover stories, the totally uncoordinated government response. In Miami, for example, the local director of the U. S. Immigration and Naturalization Service, Mr. Edward Ahrens, inexplicably declined to identify the pilots of the planes, supposedly deserters from Castro's air force. According to Mr. Ahrens, such refusal was necessary "to protect their families in Cuba." But is it likely that an air force as small as Castro's would not know the names of its own deserters? It is scarcely necessary to mention the more obvious clues — the discharged auxiliary fuel tanks, the "U.S.A." shell fragments — all of which made their appearance at the UN shortly afterwards.

But if a last-minute change in tactical plans was made by the President to test public reaction what was the result? How did world opinion respond to the Saturday fly-over? Whatever doubts Mr. Kennedy may have had certainly were not eased as a consequence. Or was a ground swell of sentiment against intervention precisely what the President desired? Was it because of the public outcry that subsequent bombing attacks — attacks designed to neutralize Castro's air force — were called off? Such a cancellation could certainly have been justified by the resultant tumult. All over Latin America resolutions of censure were quickly passed against the U. S. At this point, a White Paper might explain why, having monkeyed with the original tactical plan and having tipped our hand, the President allowed the operation to proceed at all. For if the air strikes scheduled for Monday were called off, the entire operation would be in extreme jeopardy. Not only would Castro have been apprised that an invasion was likely, but now the landing force would be denied air superiority — a most unprofessional contingency.

Indeed, the whole aftermath of Saturday's fly-over seems so unprofessional that one is forced to ask what else was canceled. Were other landings scheduled to augment the landing in the Bay of Pigs? And were they too called off in the face of public indignation? Perhaps efforts were even made to recall the forces approaching the Bay of Pigs. Had the entire invasion been abandoned and did Brigade 2506 go in by mistake? It is a point that cries for elucidation.

Sound military doctrine would have dictated a landing in sufficient strength to achieve early tactical success. It would also have suggested diversionary landings to keep Castro from concentrating his forces. A landing on the opposite side of the island from the Bay of Pigs — one that could have been used later to link up and bisect the island — would also seem an elementary stratagem. Above all, why land in the Swamp of Zapata?

Several other problems remain. If the landing at the Bay of Pigs was the only one scheduled to take place — the one, in other words, on which all our bets were placed — why was there no program of carefully pre-arranged sabotage to coincide with the landing? If the entire operation had been called off that would explain it. It would also explain why so many Cubans belonging to the resistance were taken completely by surprise that Monday morning. And it would make clear why there were no major air drops to secure vital bridges and causeways. There are too many imponderables here to be disposed of quickly. Yet for three years we have assumed that our military and intelligence establishments were capable of nothing better. This is hardly plausible. What then did the original invasion plans call for?

It is beyond the competence of this article to reconstruct what actually happened that Sunday night. This has been done by General Taylor, but his findings are classified. However, we can perhaps piece together enough from what is known to ask some meaningful questions. And if enough questions are asked, the gaps in present knowledge will become clear.

If we accept Charles J. V. Murphy's account, President Kennedy was not only unhappy with the Cuban operation but reserved the decision to stop the invasion short of the beach. "He kept asking how late the enterprise might be reversed without making it look as if Castro had called an American bluff. He was told: noon on Sunday, April 16."

The President spent that Sunday at Glen Ora. According to all accounts, when the critical time came, Mr. Kennedy once more gave the signal to go ahead. But we know also that on that afternoon Ambassador Stevenson and others who were unhappy with the storm created by Saturday's fly-over were in touch with the President. Mr. Stevenson had denied that he caused the so-called "second air strike" to be called off at that time. But it is also true that he was distressed by the course of events in the Caribbean and conveyed these feelings to the President in no uncertain terms. Whatever doubts Mr. Kennedy may have had about the invasion must have been strengthened by these presentations.

But since the military deadline of 12 o'clock Sunday had already passed, what alternatives remained to the President? It has been reported that late Sunday evening Presidential Assistant McGeorge Bundy called Richard M. Bissell, CIA Operations Chief, and informed him of a Presidential order to cancel certain portions of the Cuban operation. Is it possible that Mr. Kennedy at that point made the final decision he had avoided for so long and ordered the entire operation canceled? And is it also possible that by this time the troops at the Bay of Pigs were already going ashore? Admiral Burke has stressed that there comes a time, when, for technical reasons alone, a landing simply cannot be canceled. Certainly this would be true if it already had taken place. And Richard Bissell, who headed the project, is clearly on record that the troops were ashore in Cuba "probably by 9 or 10 P.M."

Supposedly, Bissell was stunned by the news he received from Bundy. He and acting CIA Chief, General C. P. Cabell, went immediately to the State Department where they put their case to Secretary Rusk, urging him to have the President reconsider. Secretary Rusk put through a call to the President at Glen Ora, and the message passed by Bundy was verified. According to one account, Rusk put his hand over the mouthpiece and asked General Cabell if he wanted to speak with the President. The General declined, and no doubt properly.

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If the Secretary of State had been unable to shake the President, clearly it was not the military's place to intrude.

But according to the Taylor report, Cabell and Bissell are technically at fault for not having stressed to the President that the issue was now a purely military one, that the time for political decisions had passed. If this is true, then it is correct (in a very restricted sense) that the President received "bad advice" from the military and the CIA. The Kennedy administration made quite a point of this. It would be ironic if this so-called "bad advice" hinged on so precise an interpretation. It would be further ironic since both Bissell and Cabell are reliably reported to feel that even had they protested it would have made no difference; that the President had finally made the decision he so long avoided.

Speaking shortly after the Bay of Pigs, the late President Kennedy accepted full responsibility for the debacle. This, of course, was as it should be and everyone assumed that Mr. Kennedy was simply growing into the office and manfully accepting its responsibilities.

But is there more here than meets the eye? By accepting total responsibility was the President artfully dodging actual and specific responsibility? This is more than sophistry. General Taylor and Admiral Burke are men of high moral principle. Their investigation was no doubt thorough, and placed the blame where it belonged. If it is true that by advancing the air strike forty-eight hours and then canceling whatever could be canceled Mr. Kennedy himself doomed the landing at the Bay of Pigs, they would have said so. And if the landing was a tragic mistake — a mistake in fact as well as in judgment — they would have said that too. And is it reasonable to believe that these men, having made such statements, would have remained in Washington — would have continued to keep silent — unless John F. Kennedy did shoulder the blame? By accepting total blame, the President avoided specific blame — at least in the eyes of the electorate. Is that why the Taylor report has never been made public?

Breakfasting with Congressional leaders on the Tuesday morning after the Bay of Pigs, President Kennedy remarked that the project had a "40 per cent" chance of success. That is a curious statement. Was Mr. Kennedy merely giving a layman's appraisal of a particular possibility, as you or I might guess the odds on a prize fight? That was the impression Mr. Kennedy imparted.

But was there another meaning? At the time, the invasion was still gaining ground. And why "40 per cent?" Was President Kennedy stating that the landing in the Bay of Pigs constituted only 40 per cent of the Cuban operation as envisioned by the Joint Chiefs of Staff? Was he saying that the remaining 60 per cent — the landings opposite, the pre-arranged sabotage, the larger air drops, and most important, the U.S. Marines and the neutralizing pre-invasion air strikes — had all been called off after the reaction to Saturday's abortive fly-over?

If this should be so it would explain a number of things. It would explain, for example, the peculiar obligation felt by the American Government for the survivors of the Bay of Pigs. To have been responsible for landing 1,500 brave men into captivity — even if by improvidence rather than by design — places a heavy burden on one's conscience. If, because of the President's personal decision, these men had merely a "40 per cent" chance of success — in military operations 51 per cent is the minimum risk acceptable — then the White House might well have pondered how to redeem itself to these men.

The moralist can make a good case for President Kennedy's advancing the first air strike by forty-eight hours. World opinion clearly is important, and it can be argued that by gauging it beforehand, Mr. Kennedy avoided involving the U. S. in a self-defeating adventure. But a more sober moralist would probably argue that world opinion should have been known all along and that the President should have canceled everything, including the Saturday fly-over.

Several issues are at stake. The first has to do with the capacity of our government to act effectively. From beginning to end, the Bay of Pigs was the product of indecision. Was that the fault of governmental bureaucracy — the CIA and the military — as some writers have assumed, or was President Kennedy himself irresolute? The Cuban invasion admittedly was a military fiasco. But is it possible that the failure was not a result of military incompetence but of political intervention due to the President's belated conclusion that the affair should be called off? Unless the full findings of the Taylor investigation are released, we shall never know.

A more fundamental problem has to do with the right of the people in a democracy to know the truth. This problem is not solved easily. But it does seem that a frank discussion of the entire invasion plan is long overdue.

Quakes, Winds and Great Waves . . . David Cort

What should be the Big Fear? The atom bomb has been the unchallenged champion for some time, but lately, it seems, raw nature has been making its peremptory claim. On Good Friday, March 27, 1964, the great Pacific rift that circles from the Philippines to Chile flexed its muscle and destroyed a great part of the Alaskan economy. A side effect was a series of seismic waves that radiated out across the Pacific.

The press, in reporting their terrible impact on the shore, invariably described them as "tidal waves." Impatient with this obvious and persistent error, American scientists some time ago tried to substitute the Japanese word, *tsunami*. Somebody finally looked in a Japanese dictionary to discover that *tsunami* merely means tidal wave.

Seismic waves are scarcely 2 feet high as they cross the open sea but

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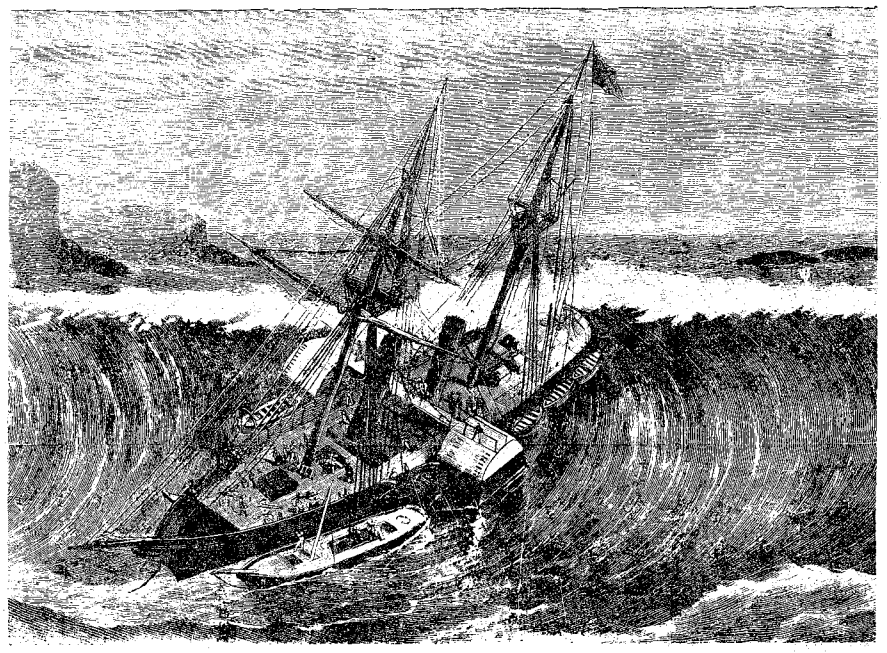
they are more than 400 miles long and move at speeds of around 500 miles an hour. As they near the shore, the water runs away from the land, then returns in an irresistible breaker perhaps 40 feet high, loaded with kinetic energy. The only possible warning of their approach must come from seismologists who have noticed the original earthquake.

In 1946, another Alaskan quake sent a wave over Hilo, Hawaii, with great loss of life. Since then a warning system has alerted all vulnerable shores of the Pacific whenever a strong tremor is recorded. It takes a seismic wave about four hours to get from Alaska to Hawaii or the West Coast of the United States, and that is the period of grace. Last month, the system unquestionably saved hundreds or thousands of lives.



The Steamer La Plata *during an Earthquake at St. Thomas, B.W.I.*

The sea is still terrible, but its terrors can be predicted to some degree. Such human efforts are not much advanced by an article in the October, 1963, *Reader's Digest* called "Mystery of the Freak Sea." Here we are given terrors far more awesome than the seismic waves breaking on the Pacific shore. The article appears to be factual, as signed by a George H. Grant, retired sea captain. He describes a night in 1956 in the Gulf Stream off Cape Hatteras in a ship called *Junior*, when an enormous wave appeared. "How high? Perhaps 100 feet, I estimated. . . ." Very oddly, this terror came from the west, the landward side. Since this is described as to starboard, the ship was evidently steaming south.

As defined, this wave was the height of a ten-story building. In going up such a wave broadside, a ship could keel over at a 50-degree angle. If it had a loose cargo, such as grain or coal, and the whole cargo shifted to the low side, the ship might keep on rolling until it was upside down, and all hands drowned, and the ship on its way to the bottom. But it does not require a 100-foot wave to do this to an improperly loaded ship.

In a stormy sea a ship is not quite as buoyant as a cork. A cork is not bothered by being turned upside down; a ship is. Some masters believe in taking in deep-tank ballast, putting their engines on standby, and riding out a hurricane. Others head into the seas, 5 degrees off, and fall away with each sea. If there is damage to the ship, the master says it was a "freak sea" and nobody ashore can contradict him. Doubtless these slovenly captains have all clipped the *Reader's Digest* article for future use.

Now, how about that 100-foot wave or, as hereafter designated, the Grant Wave? Hydrographic Office Publication No. 602, "Wind Waves at Sea," by Bigelow and Edmondson (1947) has a section on the heights of reliably measured waves in the open oceans. Here we find, "The vast majority of waves are less than 12 feet high in all parts of the ocean and waves higher than 50 feet are not common. . . . Waves may grow to 40 or 50 feet—or even higher. . . ." Asked to give the height of the biggest wave they have ever met, most masters will say "about 40 feet." The Grant Wave is still possible.

H.O. Pub. No. 602 gives a list of the highest reliably measured single waves on record. North Atlantic: 43 (1848), 40 (1894), 43 (1900), 60 (1923); Southern Ocean: 56 (1885), 37 (1891), 45 (1907); North Pacific: 57 and 70—and—at last a single wave of 112 feet, "the highest that has ever been reliably recorded," met by the *U.S.S. Ramapo* on February 7, 1933. A footnote adds: "As this is the highest wave on record, we should point out that the method by which it was measured is reliable, and that the observer discusses the possibilities of error." (Proc. nav. inst. vol. 60, p. 1100.)

Waves and Beaches by Willard Bascom (Anchor Books) cites reliable records of waves over 70 feet high and a North Atlantic storm with waves up to 90 feet. It also describes the *U.S.S. Ramapo's* encounter.

It is still mathematically possible that the Grant Wave was 100 feet high. However, it appeared in the Gulf Stream, which has one of the smallest frequencies of high seas in the North Atlantic, though Captain Grant makes the opposite point about it.

Now we should approach the "mystery" of the big or "freak" sea. Any train of waves has seas of varying size, and the big ones are unpredictable, but the theoretical mystery has long since been dispelled.

A gale will raise a sea. The wind exerts friction on the upwind side of the wave and suction on the leeward slope, giving it continuously added energy, velocity, height and length. The wind creates new small waves on top of the old wave, and these become incorporated in it. A faster-moving sea will overtake a slower sea and the two waves will consolidate. A converging sea whose crest coincides with the other's will add further mass and height to the wave. Should all these things happen together, a very large wave will result. But when the various combinations break up, the wave will diminish again.

The "fetch" or run of a sea is

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another important factor in its growth. The formula shows that a steady wind of 39 knots should and will produce 36-foot waves after a given fetch. However, though 60 mph winds should, according to a complex formula, produce 65-foot waves, they do not usually do so; the waves remain at about 40 feet. The supposition is that in these cases the wind has shifted from time to time and thus failed to follow the rules of the formula.

Since the Grant Wave was coming from the land, its fetch must have been relatively short. If it had been coming from the northeast, as is not uncommon in the Gulf Stream, the current undercutting the seas would have shortened and steepened the wave. But this is not the sea as defined. A 100-foot wave coming from the west at Cape Hatteras has to be straight Jules Verne. It might have been 30 feet high. Maybe 40. Or even 2 feet high.

We know that, simply by the laws of probability, gigantic waves do rise in the open oceans more often than ships encounter them, since a gigantic wave is a temporary phenomenon. Even observation of one in the distance is unlikely, since the visibility is usually poor. If we project such a thing as a wave that remains gigantic, it would sweep the ocean clear of all shipping now and then, and men would cease to use the seas.

However, even this deliciously frightening fantasy is false, for the length of a wave increases in proportion to its height. It is no more dangerous to a ship than a roller coaster to a passenger, if it is not breaking. The lowest ratio of wave length to height is 7:1, and the average for young waves is 17:1. A properly loaded ship will go up this incline without difficulty, rather than at the 60-degree list Captain Grant attributes to his own ship in its greatest hour.

The sudden looming of a gigantic sea on a ship is thus virtually inconceivable. The suddenness is not impossible, for the longest or least steep waves have the highest velocity. For example, a wave 1,800 feet long will be typically advancing at a speed of 60 knots, whereas one 200 feet long will dawdle at 20 knots.

Wind waves in a gale are continually cut down by breaking and by having their tops blown off. This lowers the cumulative height of waves. But if the sea meets a ship at the moment of breaking, very great tonnages of water may fall on the ship. A cube of water only 10 feet on every side is 30 tons, and the kinetic energy in a wave form is immense. Some such sea tore off 100 feet of the bow of the U.S. heavy cruiser *Pittsburgh* in the western Pacific June 5, 1945; three U.S. destroyers were lost east of the Philippines on December 18, 1944. The heights of these seas are not known, but they need not have been gigantic. It is not the wind, but the water, that seamen fear.

What have been described as the deadliest seas of all occur in calm air, in the eye of a hurricane, when opposing seas meet. These again are not big, but they are big enough and they are breaking.

Waves had attracted relatively little research until the United States in World War II realized it was going to have to wage amphibious warfare and would be landing men, weapons and supplies on open beaches. The work extended from breakers to the whole life of waves, since next week's breakers are being born today, 1,000 miles away. Our superior predicting ability enabled us to surprise the enemy several times on undefended beaches.

Waves reaching the Continental Shelf begin to shorten and steepen at a depth of about 200 feet. Their progressive behavior can get quite complex, but what happens at the shore line is the one wave action that man knows best: the death of a wave. And people are inclined to think of all waves in terms of the surf they are familiar with.

This can of course get spectacular enough to suit any editor. At Wick Bay, Scotland, a monolithic stone and cement block at the end of the breakwater was removed by the seas and deposited inside the pier in one piece. Its weight was 1,350 tons. Lighthouses extending 200 feet above sea level are frequently damaged, sometimes wrecked, and occasionally demolished by waves. The waves often throw up large rocks and break windows as high as 300 feet. They can throw 8-ton blocks some distance.

Instruments can measure wave energies. At Dieppe, France, a record of 12,700 pounds per square foot was taken in 1938, but the period of the pressure above 6,000 pounds was only a hundredth of a second. The total energy of a wave 500 feet long and 10 feet high is figured to be 400,000 foot pounds per linear foot of its crest. And this is a 10-foot wave!

A bagatelle beside the 100 feet of the Grant Wave.

Such yarns are under the protection of the ancient belief that the sea can do anything it wants to. It almost can, but not quite. Today we are beginning to learn that the sea too is governed by laws.

Trade and Jobs: A World View ... Sir John Lomax

Each year when the world's central bankers assemble for high conference in Washington, their thoughts and projects turn to the pressing need for greater liquidity in international finance. By "liquidity" they mean apt monetary arrangements to promote frictionless movements of international trade.

To be sure, it's a praiseworthy aim: but have these craftsmen of the fisc forgotten that, until destroyed by the distortions of World War I and its aftermath, the financial blizzard of 1929, a fully liquid system did exist on a world-wide scale? It rested upon the free circulation of gold, within and among countries. Why not, then, restore the universal gold standard, and there you'd have it — full liquidity.

The short answer, on the plane of practical affairs, is that only-gold-for-money and balanced budgets leave governments powerless to

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cope with the sort of mass unemployment which afflicted the United States, Britain and other advanced countries in the thirties. Nobody wants to go back to that. Indeed, the merest sniff of "deflation" makes politicians turn pale: they know that unemployment is the surest road to party perdition.

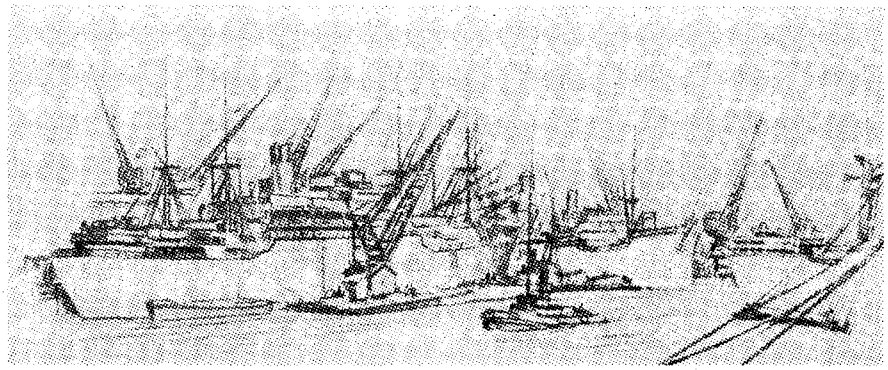
With the internal monetary system freed from the discipline — or "fetters," if you prefer — of gold, governments can pull out all the stops when trade falters; and, if everything else fails — as sometimes happens — they can debase the currency. In some advanced countries, Britain, for example, debasement has become the inevitable instrument of Keynesian fiscal methods, as well as a saving expedient of income's policy whenever the wage demands of organized labor have seemed irresistible. Meanwhile, the functions of gold have been cut down to the role of bankers' money for settling balances, for a convenient exchange standard in quoting rates, and for hoarding.

If this summary is even approximately correct, then the problem which the central bankers are anxiously pondering is evidently less important in world affairs than they seem to think. The liquidity they yearn for could cure our ills only if by trade alone the developed countries could make sure of full employment and the backward countries of full bellies. Unfortunately, the measure of our dilemma is that events of the last half century have shown that trade can do neither.

The United States normally has an industrial and crop surplus of about 20 per cent, and each 1 per cent of it, when idle, will cause one million to be unemployed. Trade (exports) alone has failed to absorb that 20 per cent at any time during the past forty years.

Since 1915 — when unrequited exports began — the means by which the surplus was, in fact, absorbed may be roughly listed as follows:

1915-1919. Armaments financed by defaulted war debts.
1920-1929. Commercial exports financed by defaulted loans and bond issues.
1930-1935. Surplus unabsorbed. Twenty million workless.
1935-1940. Gradual rearmament rising to flat-out industrial production financed by lend-lease; unemployment falling in proportion.
1941-1945. Full war-scale production.
After 1946. Successively and overlapping: Marshall Aid; Point Four; rearmament reaction to Stalin's threats; economic aid; and military aid to NATO allies, maintenance of U.S forces and bases overseas.



It is thus a fair summary of this period to say that the surplus capacity, when disposed of at all, was given away. Whatever the intention, that was the result. It could not have been disposed of on commercial terms for the good reason that trade implies a balance of needs and means. But the United States needs almost nothing, while the hungry and deprived billions of Asia and Africa need everything and have almost no means. Let the central bankers produce a "liquidity" never so perfect, and let the United States achieve its program never so completely, it is still unavailing in terms of what part of the surplus can be shipped, and what part of the hungry world fed and supplied by trade. Full employment in the United States has been sustained only by "give-away" in various guises; the need at this juncture, therefore, is not so much to make over the mechanism of trade, as to streamline the processes of benevolence.

But let no one suppose that "give-away" is easy: practical experience teaches that it is neither straightforward nor foolproof. It can produce harmful distortions in the receiving country unless the donors are alert — as most governments are not — to apply constant improvisation in answer to varying and unpredictable conditions. It is especially noteworthy that the most successful operations of "give-away" have been directed to the developed countries, and the least successful to the backward ones. It seems that special sophistication must be called into play if a nation is to be a successful object of largess.

Of all the billions the United States has bestowed broadcast, only aid to Britain was completely rewarding in point of its immediate and long-view economic, strategic and diplomatic objectives. Which leads one to muse that, if U.S. full employment and United Kingdom well-being were the only aims, it would be a pleasant solution to contract an Anglo-American One-way Aid Pact guaranteeing the English a provisioning in return for a solemn undertaking that Her Majesty would suppress all productive activity by her subjects and would direct them to improve the national performance in golf, tennis and soccer until they win victories in the American Open, at Wimbledon, and in the International Football Championship; with the further proviso that then the pact would be mutually renewed while the English took up baseball and until their team won a World Series.

That is not more whimsical than the dilemma which the central bankers' failure poses. Now and in the visible future they cannot make a trader's bridge between the needs of the hungry and deprived and the inviting surplus of the affluent. And the reason is that their system depends upon *valuta* and can operate only between those who have it.

If we accept this, then plainly the time has come to recognize "give-away" as the only alternative: not as an occasional or emergency dodge, reluctantly proffered and sheepishly accepted, but as a permanent and planned operation by which the advanced nations can insure full employment by raising the backward nations.

And the "give-away" must be on an ascending scale; for just around

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the corner lurks a threat which may soon increase — perhaps double — the unconsumed capacity. Nobody in authority dares admit it, but it is nevertheless true that as the threat of war with Russia subsides there must be defense cuts. It is futile to pretend that it will never happen, that Russia and China can never be trusted, because it is already happening. Defense can be planned only in relation to known and exactly appraised dangers. A directive to the Pentagon to produce more weapons, no matter what, is about as realistic as the Anglo-American One-way Aid Pact.

A foretaste is the test-ban pact, acclaimed as a preliminary to disarmament. Washington could not enter this field while announcing that America will never spend less on weapons. Such an attitude, inviting the accusation of bellicosity, is not tenable under a representative government. It's a parliamentary non-starter.

Indeed, if it were true that for some compelling reason, social, economic or maybe biological, we had always to spend to the hilt on armaments, the cynics would be right to cry that we are indeed Cain's children and our social method nothing but a side line to manufacturing self-slaughter equipment.

Seen in this light, there seems no halting place between a policy of new- and better-phased "give-away" schemes, and a posture which the world will see as plain warmongering. Conversely, if the United States is going to prepare consciously for the implication of disarmament, its first task must be to find an alternative channel for the surplus, and what possible one could there be except global charity?

Liquidity, universal and complete, was an adequate answer to the world's social and economic needs in the nineteenth century; but it broke down forty years ago and cannot be repaired except by measures which the developed nations have shown again and again that they cannot afford to adopt. To persist in policies that can never resolve our capacity and consumption discrepancy is to miss the point of the scientific age.

Justice for the Poor

The Banner of Gideon . . . . . Robert G. Sherrill

Less than a generation ago, a justice of the United States Supreme Court ruled that to require state courts to provide lawyers for indigent defendants in non-capital cases would open the doors to all sorts of absurd appeals. Why, he said, the next thing they knew, they would be confronted with people in traffic court, and even indigents in civil cases, demanding free lawyers. A majority of his colleagues agreed that it was a frightening prospect.

Justices Black and Douglas, who dissented from that opinion in 1941, have stayed around long enough to be vindicated. Today probably a majority on the Supreme Court feels that it is not at all absurd to consider furnishing legal counsel to an indigent in a civil case. The full extent of the Court's liberality has not yet been tested, but it is known that a majority of the members believe the 14th Amendment to the Constitution (". . . *nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws*") means that the guarantees of the Bill of Rights, especially in this instance Article VI ("*In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense*") should be as applicable in state courts as in federal.

Thus the Supreme Court moves into a uniquely magnanimous era, which one can fully appreciate only by participating in an illusion.

The year is 1962. (You need not go back any farther.) You are a callow Georgian, just off the farm, scared of the world, carrying your dad's old pistol because you don't know any better and you aren't going to let anybody take advantage of you. (If you can stand even rougher illusions, add that you are a Negro.)

Hitchhiking to Birmingham to look for work in the steel mills, you spend your first night sleeping behind a billboard. You are awakened by police, who search you and find the gun. A liquor store had been held up earlier that night, not five blocks from where you were sleeping. The robber, a young fellow about your age and unkempt like you, waved a gun around but didn't use it. The proprietor identifies you.

You explain, you tell your story again and again, you turn your pockets inside out, you protest more angrily, maybe even you cry and curse and spit at your questioners. They are unimpressed.

You are charged and you go to trial, and you do not have an attorney. The court refuses to appoint an attorney to help you. This is a frightening moment. No help at all? No. You are on your own. With all kindness, the judge explains that there is nothing in either the state or federal constitutions that requires him to appoint a free attorney for you, since you did not *kill* the liquor store manager.

From this point on, the size of your ego will have to determine the end of the illusion, or nightmare. If you think you would be able to conduct your own defense, if you think your clay hill country background and schooling equipped you to persuade those twelve restless Alabamians, then the outcome will be quite different for you than it was for thousands of indigents, similarly tried without legal counsel who, before March 18, 1963, stood alone before the bar in any one of five Southern states (and, depending on the crime, in ten other scattered states) to seek first justice and, if not that, then mercy.

Since March 18 of last year, the helplessness of impoverished defendants has been lessened. To be helpless in a court of law, one does not have to be penniless. Pauperism, when shopping for justice, is

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a relative thing. As Justice Goldberg pointed out in a recent speech to the New York University School of Law, the definition of poverty in this country is a family income of less than $3,000 annually, and there are nearly ten million American families who earn no more. As Goldberg said, a member of such a family, if accused of a serious crime, "could not begin to raise the funds necessary for an adequate defense. But, what about the family earning $4,000 or even $5,000? I doubt that half the families in this affluent country could today afford an adequate defense if one of their members were accused of a serious crime. Perhaps they could raise sufficient money for bail or even for a trial lawyer, but what about an investigator, a psychiatrist or an expert in ballistics or handwriting; and what about a complete transcript to prepare an appeal and the prosecution of the appeal itself?"

For nearly 200 years, Americans have said that the poor man is as worthy in the eyes of the law as the rich man. In 1854, the supreme court of Indiana said: "It is not to be thought of, in a civilized community, for a moment, that any citizen put in jeopardy of liberty, should be debarred of counsel because he was too poor to employ such aid. No court could be respected, or respect itself, to sit and hear such a trial."

More than a hundred years later we are still far short of that ideal. Full and rounded justice is only now coming. With the present membership of the Supreme Court, it may come with a great rush.

There have been two critical questions along the way: Does the justice promised in the Constitution apply only to the federal courts, or does it apply also to state courts? And does the justice promised by the Constitution apply to persons accused of small crimes as much as it applies to persons accused of large crimes?

The year 1931 was a desperate one. Work was scarce. People were restless and moody. They moved to be moving, and for some the freight train was a favorite vehicle. On March 25 of that year, eight Negro teen-agers climbed aboard a freight train in Alabama. Already in the open gondola car were seven white boys and two white girls. There was a fight. All the white boys but one were thrown off. Before the train reached Scottsboro, Ala., a sheriff's posse was organized and waiting. The girls accused the Negroes of raping them.

At the trial, the Negroes—all illiterate—were assigned, not a particular attorney, but the *entire* bar association of Scottsboro for their defense. They were convicted, but fortunately the case made its way to the Supreme Court where it was ruled — Justice Sutherland delivering the opinion—that "all" the members of the bar could not be given "that clear appreciation of responsibility" that a particular attorney might be given, and that assigning the entire bar association for their defense was "little more than an expansive gesture."

The case is known as *Powell* v. *Alabama*, and it is looked back on as a landmark case because the Supreme Court interpreted Article VI of the Bill of Rights (right to counsel) as applying to state courts as well as federal. True, the Court pushed it no further than in capital cases, but it was a beginning. Many states already had such guarantees, either by statute or by constitutional provision, but these guarantees were sometimes ignored, as in this case. And heretofore, if the state courts wanted to execute defenseless persons, that was the state's business. *Powell* v. *Alabama* made it federal business.

In his opinion, Justice Sutherland laid down a philosophy that, although the Court later chose to turn away from it for two decades, stands as strong today:

> *The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.*

Twice again in the 1930s the Court reaffirmed its position.

Then, in 1941, as the Great Depression and the golden age of the underdog came to a close, the Supreme Court made an unexpected switch. Smith Betts, an unemployed farm hand with little education, was accused of burglary in Carroll County, Maryland, and tried without a jury. He was also tried without the aid of a defense lawyer, since in Carroll County, indigents didn't get free legal aid unless they were charged with murder or rape. He defended himself as well as he could: calling witnesses, cross-examining, making motions and objections. He went at it with a plodding will. But he was convicted and sentenced to eight years. He claimed his constitutional privileges had been abridged by the failure to supply counsel, and he appealed to the Supreme Court.

Now for the first time the Court was squarely confronted with the question: If in capital cases, why not in felony cases? Why not indeed, if the Court was to be directed by previous decisions of its own body. But the Court quibbled and refused to build on its own structure. Instead, it said that the Sixth Amendment could be applied to state courts only if it were found that the ideas within the Sixth were so basic to the conception of fair play and due process that reason made it "obligatory" for state courts also. And its findings showed, to its satisfaction, that lawyers aren't required for the defense in state courts except in capital cases. In effect, what the Court said was that when deprival of legal counsel was "shocking to the universal sense of justice" then legal counsel was called for; otherwise, not. And in 1941, the U.S. Supreme Court could be shocked by the conviction of a defenseless man only in a capital case.

For two decades and more thereafter, the narrow decision of *Betts* v. *Brady* sent thousands of defenseless paupers to prison for long terms simply because a majority of the Supreme Court, at one moment, felt that lack of due process where life is at stake is offensive, whereas lack of due process where only liberty is at stake is not.

The third act of the drama, whose first two acts were played principally in Alabama and Mary-

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land, remained in the Deep South—this time in Florida.

Clarence Gideon, a wispy middle-aged nobody who earns a living as an electrician, was convicted in Panama City, Fla. ("Sin City" to the natives of the small west coast port), of burglarizing a pool room. Like Betts, he fought his courtroom fight without the aid of an attorney, although, like Betts, he had asked for help. Gideon lost and, sitting in Raiford penitentiary, he started mailing out his neatly hand-printed appeals. They were rejected regularly, until his appeal reached the Supreme Court.

March 18, 1963, was a great day for the paupers. Handed down that day by the U.S. Supreme Court were opinions that a pauper has a right to a free transcript of his trial record, for appeal purposes, even if his court-appointed attorney says it wouldn't do any good; that paupers are entitled to free transcripts of the court record even if the judge feels their appeal would be frivolous and a waste of public money; and that a convicted person must be supplied with an attorney to help him file his appeal.

But the fourth and most explosive decision handed down that day carried the title *Gideon* v. *Wainwright*. Louie Wainwright is director of the Florida prison system, whom Gideon considered his improper keeper. The Supreme Court agreed. Demolishing the old Betts decision, it ruled that no jail should hold Gideon until he had had a trial balanced between prosecution and defense.

Good news for Gideon, yes. But good news also for 4,500 of the 8,000 prisoners in the Florida penitentiary at the time! More than half the prison population had been convicted, either after standing trial or pleading guilty, without the advice of attorney.

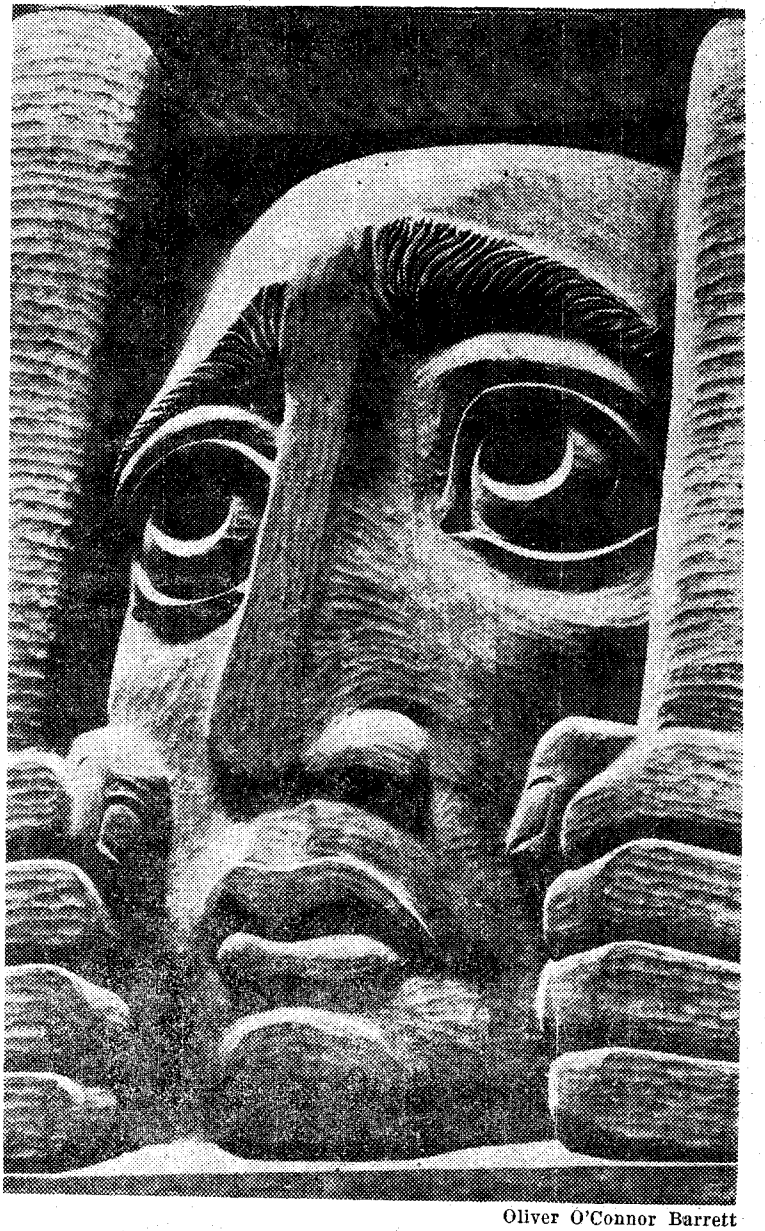
While Gideon went back for trial (a trial that ended in his acquittal), the courts of Florida were besieged with writs from other prisoners. Wainwright watched his prisoners marching out under the banner of Gideon and called it "legal escape." But he also took it with good grace, admitting that for the first time since he could remember the prisons had a bed for every convict.

The general reaction among law-abiding Floridians was not one of jubilation that justice was having a chance to triumph, but of concern because the state was "turning all those bad men loose on us."

Wainwright has wisely noted that such is not the case at all. So far, 1,118 prisoners have left the penitentiary, some to freedom, others to await new trial. Of the 321 who have been retried, twelve received longer sentences, seventy-seven their original sentence, and 232 came back to prison with sentences reduced. Of those who have been freed, only forty-eight have committed new crimes. Says Wainwright: "This mass exodus from prison may prove that there are many inmates presently in prison who do not need to be there in order to protect society."

James V. Bennett, director of the federal prison system, comes up with the same point, noting that as a result of the Gideon decision 1,400 Virginia convicts were retried on the question of whether or not they were properly sentenced under the habitual criminal act. The courts released 424 as improperly imprisoned, and only twenty-eight of these have subsequently been convicted for other crimes. "So the question," says Bennett, "simply comes to this: do all people we are sending to prison really need to go?" It is not a question that can be coolly answered until each defendant has an attorney to lay before the court the qualities which make him a good risk.

If many of these men were in prison not because they are "criminal types" but because they could not buy legal protection, simple economics would suggest that the states will save money by paying for their defense. It costs between $3



Oliver O'Connor Barrett

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and $4 a day to take care of a prisoner. What it takes to feed and clothe and guard him for a year would buy a decent lawyer for a short trial.

The Gideon decision has had little effect on federal courts, because for more than thirty years they have been operating on the belief that all felony defendants, as well as most defendants in misdemeanor cases, are entitled to counsel.

In a direct way, fifteen states were immediately affected, but ten of them only mildly because they had given legal aid, in varying degrees, to their poor accused of felonies. Maryland, the scene of the Betts debacle, has since the Gideon decision become so generous that the courts appoint lawyers for any indigent who faces a charge that could result in as much as six months in jail or a fine of $500. Maryland means for this to apply to felonies only, but Vermont has changed its indigent aid law to read in such a way that it would give aid to indigents in misdemeanor cases carrying more than a six-months sentence, and aid to *any* minor.

However, a decision handed down last month by the United States Court of Appeals in New York indicates that even states which have been solicitous to supply defense counsel may now find that a considerable number of their prisoners are improperly jailed. The issue here is that of second offenders, who received stiff sentences in New York because of previous convictions in other states. In a great many such cases, the earlier trial was held without benefit of defense counsel, and the defendants when brought before the bar in New York should not have been penalized for their earlier records.

And now we come to a side light of the national reaction to the new emphasis on right of counsel that raises suspicions concerning the objectivity of courts in some states. If a cross-sectional group of prisoners were released for retrial, it would be normal to expect that—as in Florida—some would come away with no more time to serve, some with less, some the same, and some with more, and that the ratio would be such that prisoners who felt themselves illegally held would consider a retrial worth the risk. But Arthur T. Prasse, commissioner of the bureau of corrections in Pennsylvania, says that while the number of appeals under Gideon has increased somewhat, "I think we would have had many more appeals brought had it not been that some of the early cases were retried and the decision was adverse to the inmate." Which is a safe prediction, no doubt, since at the time of the Gideon decision there were 6,400 adult convicts in Pennsylvania and one authority estimates that 25 per cent of them had been unrepresented by counsel.

The hidden implication of the early Pennsylvania decisions seems to be: You will pay for it if you take up more of the court's time!

In South Carolina the implication is right out in the open. Ellis C. MacDougall, director of the Department of Corrections there, reports that of the first sixty-eight cases appealed to the courts, only one was turned loose and the others were retried, receiving their original sentences over again *without credit for time already served!* When word of Gideon's success was first heard in South Carolina prisons and some of the convicts saw a chance for a bona fide day in court, the optimism "started writs flying like doves," said MacDougall, "but with the first cases receiving identical sentences without the benefit of retroactive status, the writs slowed down considerably."

A strange coincidence: sixty-seven cases being retried and all coming out with the same results as sixty-seven previous trials. MacDougall says he believes that all persons should be adequately represented in court, but MacDougall is not the South Carolina legislature, which, noting the salutary effect of the courts in squashing the first wave of appeals, has made no move to set up a public defender program or to enlarge its fund for hiring counsel for indigents.

South Carolina is one of five Southern states which made no provision to give counsel except in capital cases. Alabama, Mississippi, North Carolina and Florida were the others. Of these, only two have made any move to respond to the spirit of the Supreme Court decision—Florida setting up sixteen public defender districts, and North Carolina voting a $500,000 fund for the hire of attorneys as needed. North Carolina has had 600 Gideon-inspired retrials under way and the end is not in sight. Elsewhere in the South, one wonders if the convicts have even been told of their new rights. In Alabama, eight cases have actually come to trial and only twelve others are waiting. Surely the Alabama prisons must be bulging with poor whites and Negroes who had no counsel. Perhaps the difference is that in Alabama the convicts had to learn of the Gideon decision via the prison grapevine, whereas in Florida the news was posted on the prison bulletin board and the state authorities immediately set up a speedier way to process appeals.

Not only has the Supreme Court's Gideon ruling lost some of its radiance in the murk of those Southern courts which have refused to acknowledge its spirit, but even in states such as Florida which have attempted true reform along its guidelines, justice for the poor still seems to be poor justice.

Recently, a 17-year-old boy who escaped from a state mental institution in Florida and went on a rampage was recaptured and held in jail forty days before he was given the services of the public defender to help get him back in the asylum where he belonged. Other public defenders around the state tell similar tales of delay—a week, ten days, two weeks—before they are called into a case. They cannot help a defendant until he has been arraigned, and the courts are not always in a hurry to arraign their indigents. Let them wait; if they had important business to attend to on the outside, they wouldn't be indigent.

The zealousness of counsel hired from public funds somehow never seems to reach quite the pitch of counsel hired from bountiful private funds. There are two Negro youngsters on death row in Florida today—they were 16 and 17 at the time they got drunk on moonshine and murdered an elderly Negro—whose court-appointed attorney neglected to introduce at their trial evidence that one of them has the mentality of a high-grade imbecile and the other the mentality of a standard moron. He said later that he suspected something was wrong with them because he had to keep kicking them under the counsel table during the trial to prevent their falling over asleep. But nobody troubled to test their intelli-

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gence until they were awaiting execution. Their I.Q.s of forty-five and sixty might have impressed the jury more than it has impressed subsequent appeals courts. At their final commutation hearing, the attorney who had been paid $1,000 by the state to represent them was not there. He had already done all he was paid to do.

If six of the highest priced attorneys in the state had been at that pardon board hearing, the attorneys a rich man's son would have had representing him, would the two Negro half-wits still be on death row? The same could be asked of the other thirty persons (twenty-three Negro) awaiting execution. Only two had as much as a year of college, only one had a steady job on the outside. The others were migrant workers, unemployed dishwashers, unemployed truck drivers, unemployed this and that. Each had a court-appointed attorney, but it must take more than mere legal counsel to stay off death row.

It is not altogether a lack of zeal that accounts for it. As Justice Goldberg recently said, "In preparing for trial the lawyer appointed to represent an accused who is without funds generally has few if any of the investigatory resources available to the prosecution or to an accused with means. He may also be limited in his ability to subpoena necessary witnesses to appear at trial."

Constitutional guarantees have more reality to people with money than to people without. Article VIII of the Bill of Rights says that "excessive bail shall not be required, nor excessive fines imposed." But that is small comfort to the person who can afford no bail or fine at all. The common sentence "$100 or 30 days" is a penalty of less than five days' pay to a middle-income person. But for the man who is broke, it means a month out of his life. Georgia has supplied some regional examples of justice that have attracted national attention: a 17-year-old girl was imprisoned for one year for having moonshine in her house when she could not pay her fine; a man was sentenced for two months when unable to pay a $1 fine for driving without a license.

Nor does the poor man's disadvantage end there. Even if he is charged with a crime for which bail is allowed—that is, something less than a capital offense—he very often cannot afford bail, and therefore cannot be on the outside assisting his counsel in the preparation of his defense. This is no light matter. One survey shows, for example, that of persons held for burglary, those who could make bail were able to prepare successful defenses 77 per cent of the time, while those who stayed in jail while awaiting trial were convicted 75 per cent of the time.

The New York Bar Association reports that in 1962 in that city, 58,458 persons — including 13,000 adolescents — spent an average of thirty days in jail because they could not make bail. This comes to 1,753,740 jail days, and it costs New York City $5.18 to keep one person in jail one day. The Bar Association survey remarks: "Many of these were later adjudged innocent, and most could have been safely paroled."

By penalizing these accused for being without means, the city made itself poorer by several millions of dollars. The same masochistic economics is affecting cities all over the nation. But some are changing their philosophy. Sponsored by the Vera Foundation, which in turn is supported partly by Ford Foundation money, New York City has begun gingerly to participate in a program by which persons unable to make bond are carefully screened—do they have a job? family ties? a home?—and let out on parole while they await trial. Of the 1,400 accused persons released this way, only fourteen have failed to show up at trial time. This 1 per cent risk is an improvement over the old bail system, which in 1959 and 1960 showed 2 per cent of those who could afford bond forfeited it. (See "Fair Bail for All" by William M. Kunstler, *The Nation*, July 27, 1963.)

St. Louis, Chicago and Philadelphia are moving toward the same kind of experimental programs. In this tentative way, major communities are beginning to act as though it would pay to believe what Americans have always professed to believe: a person, even a poor person, is innocent—and not especially dangerous—until proven to be otherwise. In fact, the year's supply of juveniles who spent an average of fifty-two days in the Brooklyn House of Detention before either being released without conviction or with sentence suspended, probably came away from their jail-house environment much more vicious individuals than they went in.

Added to these problems, there is the shortage of lawyers to defend the poor. Labor Secretary Willard Wirtz shamed a group of law school deans by pointing out that the New York City legal profession is contributing only 5 per cent of its time to the problems of people with median incomes below $5,000. It is not likely that New York attorneys are more calloused or greedy in this regard than attorneys elsewhere in the country.

What to do about it, then. First, move more attorneys into the indigent mill. For federal courts, where annually 30 per cent of the 10,000 defendants do not have money to hire attorneys, Congress is now considering bills to appropriate between $3.5 million and $5 million for hiring more and better attorneys for the indigent. On the state level, the National Legal Aid and Defender Association is using a $2.3 million Ford Foundation grant to hire more lawyers for already established public defender offices in key cities. Half a dozen states have increased their public defender staffs since the Gideon decision. So far, however, expansion of indigent aid has been nowhere near the scale that will be required if the Supreme Court continues its obligatory aid rulings.

Some leaders of the judiciary are afraid that the public purse cannot stand the strain of increasing indigent aid as far as it must be expanded to get the job done right. Among these is Harold Sebring, former state supreme court justice and now Dean of the Stetson Law School in Florida. Sebring has started in Florida a type of program already under way and highly regarded in Massachusetts and Colorado—using the best law students to help the public defender prepare his cases, under the supervision of the law school faculty.

"Allowing them to get into the work at this early stage," says Dean Sebring, "gives the students a more sobering look at their responsibilities as lawyers, and raises the status of so-called criminal defense. It is the best way for them to learn that the defense of indigents guarantees the very liberties that if passed over

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lightly would not allow us to be talking on this subject without geting approval from the man upstairs."

But it is a program that, even pushed to its most productive point, would benefit only cities where law schools are situated. What about other places? Without federal support and without foundation support, the answer probably is a pool of lawyers serving in rotation without pay.

"And that," says Dean Sebring, "is an idea that usually collapses. If the judge calls on the senior member of the biggest firm in town, he is probably calling on somebody plenty rusty about criminal law, having earned his money for years from a big civil practice. If the judge calls on a young beginner, he'll get either an attorney who backs the defendant into a corner for twenty minutes and then says, 'okay, let's go,' or he'll get a young man who does such a good job the judge will call on him again and again and again—until one day the judge comes into court and sees a pale, emaciated fellow in the corner who's done his bit for democracy and almost starved doing it."

There are others who feel that the Supreme Court's recent philosophy spells disaster for the legal profession. Among these is Florida Supreme Court Justice Campbell Thornal, a thoughtful, calm conservative, who has said publicly what many of his colleagues in the South have said privately, that "hidden in the Gideon decision is the ultimate socialization of the legal profession." Justice Thornal's fears are based on the fact that for the first time the Supreme Court has made legal aid obligatory, not primarily because of the severity of the charge but because of the defendant's finances.

Since the Gideon decision, the Florida Supreme Court has turned down an appeal from a man convicted of a misdemeanor who did not have an attorney. Sooner or later, that kind of appeal will make its way on up to the highest court in the land, and the real test will be put to Justice Black's contention that "any person hailed into court who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided for him."

Opponents of this view say that interpreters of the Constitution must consider not only individual liberties but also the general welfare, and that the general welfare cannot afford to hire the number of attorneys Justice Black's philosophy would demand. They talk of bankruptcy, they talk of socialism, they talk of the welfare state crushing the general welfare. And most bitterly they speak of how this liberal Supreme Court has twisted the 14th Amendment in such a way as to make the Bill of Rights a state thing as well as a federal thing.

On the other hand, Thomas Jenkins, dean of one of the South's six Negro law schools, speaking for a race that has the worst representation in Southern courts, welcomes what is happening. He says, "I am not concerned about the allegations of socialism. I think we have just as much responsibility to care for the mentally retarded in court as to care for them in the hospital. I think it is just as important where a man spends the next twenty years —in jail or on the street—as it is to put a brace on his leg. We are a capitalistic country. That means to get something, you need money. If you don't have it, the state should see that you get it. That's not socialism. That's capitalism carried all the way."

The national welfare is surely guarded by debates over these principles. But what person, indigent and facing the possible loss of liberty, would pause to question whether the attorney set down by his side to help him was supplied by a capitalistic or a socialistic genie? Bernard Shaw said, "Whilst we have prisons, it matters little which of us occupy the cells," but then Shaw could afford the best lawyers. The man who is in jail because he could not foot the bail or the attorney just might not agree.

The Heavenly Supermarket . . . . . Wesley Marx

An American family spends 20 per cent of its income on food. This adds up to a lot of eating—more than $55 billion worth a year. It is one of the few expenditures in the nation that match the defense budget. Yet it is not enough for the supermarket industry. *Fortune*, in a recent article entitled "Supermarkets: The Stalled Revolution," explained why. There are few mom-and-pop grocery stores left for the chains to gobble up and supermarkets now find themselves competing against one another. To avoid the dreary fate of the corner grocery, supermarkets have turned in fear and hope to non-food items and now, for example, rank as the nation's largest outlet for nylon stockings. But even nylon grosses have not been enough. The stalled revolution remains stalled—how do you get a nation, in which overeating is a major health problem, to eat more?

A solution to this vexing problem is being explored, appropriately, by the food chain which invented the supermarket. In 1916, Piggly Wiggly built the nation's first large self-service food store in Memphis, Tenn. In the ensuing revolution the Piggly Wiggly chain became known in the trade as a "real price operation." Bargains were the main attraction and the consequent need for low overhead resulted in mammoth barns "with about as much charm as the men's room in a convention hall" (as one market manager once observed). This was good enough for the Age of Depression, but it will not do at all for the Age of Affluence.

Today, low price is scorned as a failure of taste and low overhead as an absence of status. The affluent customer acts, not out of need, but out of enjoyment, and markets with wash-room graces don't inspire enjoyment. To erase the image of a "price operation," survive affluence and surmount the stalled revolution, Piggly Wiggly is upgrading food buying from necessity to luxury. In June, 1962, the Piggly Wiggly Continental opened in Encino, a Los Angeles suburb, with the following

Wesley Marx, a California reporter, has contributed to a number of West Coast magazines.

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invitation: "Please plan on driving your cloud, I mean car, to our dream market regularly . . . you'll find it a heavenly experience." The heavenly experience sprawls over 39,800 square feet and from its sunken wine cellar in antique brick to its freezer cases on gilded feet, is as elegant as a Las Vegas hotel dining room.

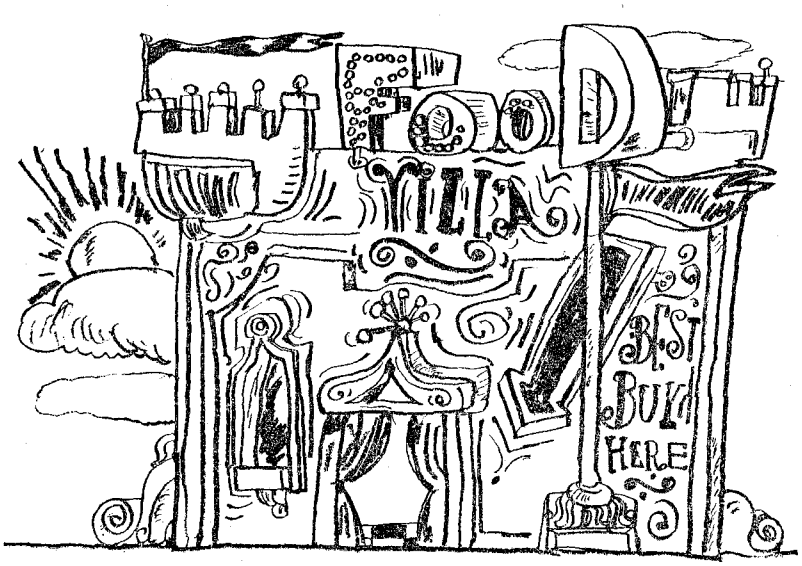
To embellish this Theatre of the Stomach, decorators ravaged the gourmet shops of Europe for atmosphere. As a consequence, display signs read "beef" on one side, "*boeuf*" on the other. A sardine cart is draped with a Norwegian flag. A Napoleonic milk can crowns the dairy department.

The purchase of a can of beans or 5 lbs. of potatoes scarcely harmonizes with a heavenly experience and Piggly Wiggly offers cart pushers more enterprising dietary adventures. Amidst the canned foods they find champagne jelly, quail eggs (in yellow, pink and purple), grape leaves in brine. The prices of such exotica are not at the bargain level—cream of snail soup, $1.69; alligator soup, $2; a tin of brushed truffles, $6.

Thanks to Piggly Wiggly's sense of the appropriate, one can visit Fisherman's Wharf — portholes, coiled rope and a ship's tiller "to keep the kids happy"—and buy eel and Maine lobster five hours by air out of Boston. The lobsters, as might be expected, are displayed in an aquarium. A lifeboat contains wines to go with shellfish. To distract cowardly stomachs, which may imagine that obesity, gout and dyspepsia lurk in such victuals, the Pavilion des Fleurs offers artichoke blossoms and leaves dyed for autumn to brighten the groaning board.

Stepping down 4 feet into the brick cellar, the shopper may select a case of Chateau Haut Brion (1919) for $231 (with a 10 per cent discount). To help novices with such investments, wine steward Robert Young, complete with French accent, dispenses serving instructions. (Sample: "This wine should be served with any food.") At Food for the Mind (the magazine counter) you are prepared to find a discounted set of the Harvard Classics, but *Modern Screen*, *Hot Rod* and *American Astrology* dominate the display. How did they get in here? Vanity Fair (sundries) springs no such disenchanting surprises. In between Metrecal and Tums are ash trays from Greece, hand-carved medicine men from Kenya, all the plastic fruit you could ever hope for, and busts of Lord Byron and Liszt. Rodin's *The Thinker* comes in two sizes of plaster.

After being exposed to the impulse items, the scatter displays, the scrambled merchandising techniques and the halo effect (trade cant for calculated employee friendliness), the supermarket guest wheels her $30 chrome-plated cart to any one of twelve check-stand angels in opera hose. They pack the unearthly wares into a white grocery bag with blue stripes. Into its top they tuck the cash-register tape, so that each buyer can see how much she has done to prime the stalled revolution.



Merz

The Piggly Wiggly Continental has been greeted by the trade like the U.S. Cavalry in *Wagon Train*. *Super Market Merchandising* welcomed the food palace as "The Most Gorgeous Super in the U.S.," which has "everybody's eyes popping," even the eyes of "hard-boiled food operators." More permanent praise has been imitation. Champagne and strawberries were served at last spring's opening of the Bon Vivant Supermarket in San Diego. To outdo the Piggly Wiggly Continental décor, Bon Vivant hired Lyle Wheeler, chief set designer for Twentieth Century-Fox and winner of an academy award for *The King and I*. Wheeler responded by displaying pastries in shocking-pink bird cages and hanging liquor bottles from a gnarled fig tree. A fuchsia skating rink is open from 9:30 A.M. to 11 P.M.

The food-chain turn to affluence has not gone unnoticed by the architectural profession. *Architectural Record* extolled two new Safeway marts in the San Francisco area for their ability to "interpret the taste level." Interpretation, according to architect Donn Emmons, consisted in "expressing store 'character' by plastic form, structural visibility, decorative grills, multicolored walls, etc." Letting the cat out of the bag, the editors continued: "According to current thinking, the best way to stimulate sales is to display merchandise in an enriched setting or background that will lend glamour or apparent value to the stock." Architectural circles must see in supermarkets the biggest boom since the movie palaces of the 1920s.

Artists and actors, as well as architects, are being drafted to glorify food buying. One Southern California shopping center held its first annual festival of arts last year. Housewives in search of ground chuck and pink quail eggs dodged between 300 paintings displayed on the parking lot, while the Orange Street Players staged Chekhov a stone's throw from the fresh cabbage. The U.S. Navy cooperated by routing noisy jet jockeys away from the area. Art Seidenbaum commented in the *Los Angeles Times*: "I can see the day when Tennessee Williams fans will shop at Alpha Beta [food chain] and Albee folk will go to Ralph's."

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A Feast for Open Eyes

Susan Sontag

Editor's Note: *As stated in the editorial "Flaming Censorship" in* The Nation *of March 30,* Flaming Creatures *is one of two films recently seized by New York City police on the grounds of obscenity. The other is Genet's* Chant d'Amour. *Jonas Mekas, editor of* Film Culture, *was arrested at the showings; the trials for these two films have been scheduled for April 6 and 13 respectively.*

The only thing to be regretted about the close-ups of limp penises and bouncing breasts, the shots of masturbation and oral sexuality, in Jack Smith's *Flaming Creatures* is that it makes it hard simply to talk about this remarkable and beautiful film; one has to *defend* it. But in defending as well as talking about the film, I don't want to make it seem less outrageous, less shocking than it is. For the record: in *Flaming Creatures*, a couple of women and a much larger number of men, most of them clad in flamboyant thrift-shop women's clothes, frolic about, pose and posture, dance with one another, enact various scenes of voluptuousness, sexual frenzy, romantic love and vampirism —to the accompaniment of a sound track which includes some pop Latin favorites *(Siboney, Amapola)*, some rock-'n-roll, some scratchy violin playing, bullfight music, a Chinese song, the text of a wacky ad for a new brand of "heart-shaped lipstick" being demonstrated on the screen by a host of men, some in drag and some not; and the chorale of flutey shrieks and screams which accompany the group rape of a bosomy young woman, rape happily converting itself into an orgy. Of course, *Flaming Creatures* is outrageous, and intends to be. Even the very title tells us that.

As it happens, *Flaming Creatures* is not pornographic, if pornography be defined as the manifest intention and capacity to excite sexually; Smith's depiction of nakedness and various sexual embraces (with the notable omission of straight screwing) is both too full of pathos and too ingenuous to be prurient. Smith's images of sex are alternately childlike or witty, rather than sentimental or lustful. But even if *Flaming Creatures* were pornographic, that is, if it did (like the film Jean Genet made in 1950, *Chant d'Amour*) have the power to excite sexually, I would argue that this is a power of art for which it is shameful to apologize. Art is, always, the sphere of freedom. In those difficult works of art, works which we now call *avant-garde*, the artist consciously exercises his freedom. And as the price the *avant-garde* artist pays for the freedom to be outrageous is the small numbers of his audience, the least of his rewards should be freedom from meddling censorship by the philistine, the prudish and the blind. Apart from the wrongness of censorship itself, there is no need to worry what will be the social consequences if *Flaming Creatures* ever plays at Radio City Music Hall because it won't. Smith's film, involving as it does certain esoteric assumptions about experience and beauty, is obscure, precious, intimate. It would be as lost on today's mass audience as a puppet theatre is on a huge stage.

The police hostility to *Flaming Creatures* is not hard to understand. It is, alas, inevitable that Smith's film will have to fight for its life in the courts. What is disappointing is the indifference, the squeamishness, the downright hostility to the film evinced by almost everyone in the mature intellectual and artistic community. Almost its only supporters are a loyal coterie of filmmakers, poets and young "Villagers." *Flaming Creatures* has not yet graduated from being a cult object, the prize exhibit of the New American Cinema Group, the Underground Cinema, whose house organ is the magazine *Film Culture*. Everyone should be grateful to and come to the aid of Jonas Mekas, who almost single-handedly, with tenacity and even heroism, has made it possible to see Smith's film and a number of other new works. Yet it must be admitted that the pronouncements of Mekas and his supporters are shrill, and often positively alienating. Mekas is wrong to argue that this new group of films, of which *Flaming Creatures* seems to me by far the most successful, is a totally unprecedented departure in the history of cinema, and makes everything else, in comparison, worthless. Such truculence does Smith a disservice, making it unnecessarily hard to grasp what he has accomplished in *Flaming Creatures*. For *Flaming Creatures* is a small but very important work in a tradition, the great tradition of the *avant-garde* cinema—along with Bunuel's *Le Chien d'Andalou* and *L'Age d'Or*, Cocteau's *Le Sang d'un Poete*, Artaud's *Le Coquille et le Clergyman*, parts of Eisenstein's first film *Strike*, some of the recent Polish and Czech shorts, the films of Kenneth Anger *(Fireworks, Les Eaux d'Artifice, Scorpio Rising)*, etc., etc.

The older *avant-garde* film makers in America (Maya Deren, James Broughton, Kenneth Anger, et al.) turned out short films which were technically quite studied. Given their very low budgets, color, camera work, acting, and synchronization of image and sound were as professional as possible. The hallmark of one of the two new *avant-garde* styles in American cinema (Jack Smith, Ron Rice, et al., but not Gregory Markopolous and Stan Brakhage) is its willful technical crudity. The newer films—both the good ones and the poor, uninspired work—show a maddening indifference to every element of technique, a studied primitiveness. This is a very contemporary style, and very American. Nowhere in the world has the old cliché of European romanticism—the assassin mind versus the spontaneous heart—had such a long career as in America. Here, more than anywhere else, the belief lives on that neatness and carefulness of technique interfere with spontaneity, with truth, with immediacy. Most of the prevailing techniques (for even to be against technique demands a technique) of *avant-garde* art express this conviction. In music, there is aleatoric performance now as well as composition, and new sources of sound and new ways of mutilating the old in-

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struments; in painting and sculpture, there is the favoring of impermanent or found materials, and the transformation of objects into perishable (use-one-once-and-throw-away) environments or "happenings." In its own way *Flaming Creatures* illustrates this snobbery about the coherence and technical finish of the work of art. There is, of course, no story in *Flaming Creatures*, no development, no necessary order of the seven (as I count them) clearly separable sequences of the film. One can easily doubt that a certain piece of footage was indeed intended to be overexposed. Of no sequence is one convinced that it had to last this long, and not longer or shorter. Shots aren't framed in the traditional way; heads are cut off; extraneous figures sometimes appear on the margin of the scene. The camera is hand-held most of the time, and the image often quivers (when this is wholly effective, and no doubt deliberate, is in the orgy sequence).

But in *Flaming Creatures*, amateurishness of technique is not frustrating, as it is in so many other recent "underground" films. For Smith is visually very generous; at practically every moment there is simply a tremendous amount to see on the screen, a density of images, of different types of textures. And then, there is an extraordinary charge and beauty to his images, even when the effect of the strong ones are weakened by the ineffective ones, the ones that might have been better through planning. Often today indifference to technique is accompanied by bareness; the modern revolt against calculation in art often takes the form of aesthetic asceticism. (Much of Abstract Expressionist painting has this ascetic quality.) *Flaming Creatures*, though, represents a different aesthetic: it is crowded with visual material. There are no ideas, no symbols, no commentary on or critique of anything in *Flaming Creatures*. Smith's film is strictly a treat for the senses. In this it is the very opposite of a "literary" film (which is what so many French *avant-garde* films are). It is not in the knowing about, or being able to interpret, what one sees, that the pleasure of *Flaming Creatures* lies; but in the directness, the power and the lavish quantity of the images themselves. Unlike most serious modern art, this work is not about the frustrations of consciousness, the dead ends of the self. Thus Smith's crude technique serves, beautifully, the sensibility embodied in *Flaming Creatures*—a sensibility based on indiscriminateness, without ideas, beyond negation.

Flaming Creatures is that rare modern work of art: it is about joy and innocence. To be sure, this joyousness, this innocence is composed out of themes which are—by ordinary standards—perverse, decadent, at the least, highly theatrical and artificial. But this, I think, is precisely how the film comes by its extraordinarily moving beauty and modernity. *Flaming Creatures* is a lovely specimen of what now, in one genre, goes by the flippant name of "pop art." Smith's film has the sloppiness, the arbitrariness, the looseness of pop art. It also has pop art's gaiety, its ingenuousness, its exhilarating freedom from moralism. The great virtue of the pop-art movement is the way it blasts through the old imperative about taking a *position* toward one's subject matter. (Needless to say, I'm not denying that there are certain events about which it is necessary to take a position. An extreme instance of a work of art dealing with such events is *The Deputy*. All I'm saying is that there are some elements of life—above all, sexual pleasure—about which it isn't necessary to have a position.) Pop art really transcends the old nonsense of choosing between approving or disapproving of what is depicted in art—or, by extension, experienced in life. (This is why all sociological sneering at pop art as a symptom of a new conformism, a cult of acceptance of the artifacts of mass civilization, is so obtuse.) Pop art lets in wonderful and new mixtures of attitude, which would before have seemed contradictions. Thus *Flaming Creatures* is a brilliant spoof on sex and at the same time full of the lyricism of erotic impulse. Technically, too, as I have suggested, it is a wonderfully inventive contradiction. Very studied visual materials (lacy effects, falling flowers, tableaux) are introduced into disorganized, clearly improvised scenes in which bodies, some shapely and convincingly feminine and some scrawny and hairy, tumble, dance, make love.

It is easy to see Smith's film as having, as its subject, the poetry of transvestitism. *Film Culture*, in awarding *Flaming Creatures* its Fifth Independent Film Award, said of Smith: "He has struck us with not the mere

A piece of the action from Newsweek:

"Berlitz Baedeker"

"Singer Caterina Valente refers to herself as 'a musical goulash.' Born in Paris of an Italian mother (who was educated in Russia) and an Italian father (who grew up in Sweden) she married a German juggler and now lives in Switzerland when she isn't wowing audiences on every continent. Right now, she is packing them in at New York's Persian Room, her first U. S. public appearance in eight years. Valente can say 'I only know six languages' in eleven languages."

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pity or curiosity of the perverse, but the glory, the pageantry of Transylvestia and the magic of Fairyland. He has lit up a part of life, although it is a part which most men scorn." The truth is that *Flaming Creatures* is much more about intersexuality than about homosexuality. Smith's vision is akin to the vision in Bosch's paintings of a paradise and a hell of writhing, shameless, ingenious bodies. Unlike those serious and stirring films about the beauties and terrors of homoerotic love, Kenneth Anger's *Fireworks* and Genet's *Chant d'Amour*, the important fact about the figures in Smith's film is that one cannot easily tell which are men and which are women. These are "creatures," flaming out in intersexual, polymorphous joy. The film is built out of a complex web of ambiguities and ambivalences, whose primary image is the confusion of male and female flesh. The shaken breast and the shaken penis are interchangeable with each other.

Bosch had a strange, aborted, ideal nature against which to situate his nude figures and androgynous visions of pain and pleasure. Smith has no literal background (it's hard to tell in the film whether one is indoors or outdoors), but instead the thoroughly artificial, invented landscape of costume, gesture, and music. The myth of intersexuality is played out against a background of corny songs, ads, clothes, dances, and above all, the repertory of fantasy drawn from corny movies. (Another beautiful recent work, this time for the theatre, the play *Home Movies*—written by Rosalyn Drexler, music by Al Carmines—has this same delicious range.) The texture of *Flaming Creatures* is made up of a rich collage of "camp" lore: a woman in white (a transvestite) with drooping head holding a stalk of lilies; a gaunt woman seen emerging from a coffin, who turns out to be a vampire and, eventually, male; a marvelous Spanish dancer (also a transvestite) with huge dark eyes, black lace mantilla and fan; a tableau from the *Sheik of Araby* with reclining men in burnooses and an Arab temptress stolidly exposing one breast; a scene between two women, reclining on flowers and rags, which recalls the dense, crowded texture of the movies in which von Sternberg directed Dietrich in the early thirties. The vocabulary of images and textures on which Smith draws includes pre-Raphaelite languidness; Art Nouveau; the great exotica styles of the twenties, the Spanish and the Arab; and the modern "camp" way of relishing mass culture.

Flaming Creatures is a triumphant example of an aesthetic vision of the world—and such a vision is perhaps always, at its core, epicene. But this type of art has still to be understood in this country. The space in which *Flaming Creatures* moves is not the space of moral ideas, which is where American critics have traditionally located art. What I am urging is that there is not only moral space, by whose laws *Flaming Creatures* would indeed come off badly; there is also aesthetic space, the space of pleasure. Here Smith's film moves and has its being.

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EL SENOR PRESIDENTE. By Miguel Angel Asturias. Translated by Frances Partridge. Atheneum Publishers. 287 pp. $4.50.

THE VILLAGERS. By Jorge Icaza. Translated by Bernard M. Dulsey. Southern Illinois University Press. 223 pp. $5.95.

Jose Yglesias

These two novels have taken thirty years to reach us since their first publication in Spanish. A pity. First novels by "committed" writers, they might have shown American writers of the thirties how, among other things, an effective style can give enduring life to works whose primary inspiration is indignation with social injustice. They might, even, have made the writers and critics of the forties and fifties less inclined to turn their backs on literature thus inspired.

Although Asturias — a descendant of the French symbolists and surrealists — writes in sophisticated poetic language and Icaza in a simple, idiomatic style, each in his way deals boldly with the horrors and degradation of the life he describes. So boldly, in fact, that in the United States, at least, they could have been assured of uncensored publication only in the last five years. They feel no need to idealize the oppressed and are happily free from prudish and Pollyannaish attitudes that crept into left-wing writing. Both are modern novelists in the original; the translations, I'm afraid, are another matter. But perhaps it is more useful to rejoice that history is making us less provincial about the literature of Latin America and allowing us to discover a major writer like Asturias and a pioneer storyteller of Indian life like Icaza, both of whom the Europeans have long known.

In one way Asturias and Icaza are luckier than their North American contemporaries of the thirties: we've gone from the depression to the Augustan age of affluence, but the military dictatorship of *El Señor Presidente* and the Indian peonage of *The Villagers* remain unchanged in Latin America. The content of both novels consequently has a relevance and immediacy that can help you understand this week's news headlines. Each starts with a simple action. Asturias' Presidente decides to move against a political enemy in his army and assigns to a favorite the job of arrang-

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ing his murder; Icaza's absentee landlord in Quito sets out to his lands to build a road through swamps in order to conclude a deal with American investors. Both actions are eventually carried out, but the center of each novel becomes an account of the human devastation that results. Read consecutively, these two novels are cumulative and varied illustration of how any act in a country with an outmoded social structure — whether the act is per se immoral, like political assassination, or economically progressive, like building a road — becomes a maelstrom of destruction.

Asturias' account is more impressive. The assassination of the respectable old general draws into the account all classes and strata of a typical Central American country. (Though the country is never identified, it is obviously Asturias' Guatemala during the Cabrera dictatorship.) With passion, coolness, pity and contempt, Asturias parades the beggars, shopkeepers, police spies, bourgeoisie, priests, government officials and students of the city; and, during the general's escape, the peasants and middle class of the countryside. It is a suffocating, nightmare world in which objects and vegetation, Soul and Death, exist as characters, in which the matter of fact is surrealistically depicted, the startling soberly narrated; the most disparate events are juxtaposed as by a skillful film editor, the inner psychology of the desperate and deranged contiguous with the flattest political description of the mores of the dictatorship.

Out of the welter of flitting scenes unexpectedly emerges the simplest of love stories: the Presidente's favorite decides, while arranging the murder of the general, to keep for himself the old man's lovely daughter, and the novel becomes an account of the flowering of love in the midst of corruption. Like the lush vegetation of the tropics, it blooms for a short while, only so long as it catches the sun of the Presidente's capricious favor. Around this love story are pursued the bedeviled accounts of others whom the attempted assassination touches, *goyescas* that also end in betrayal and disaster.

Reduced to its plot and subplots, *El Señor Presidente* can sound naive and arbitrary, but it is held together and made an authentic experience by the authority of Asturias' vision and poetic language. It imposes itself like poetry and does not leave the reader breathing space to ask why: why does this social evil continue, what is the source of the Señor Presidente's power? There is fascination in watching the evil spread; hope in the capacity for suffering and love that its doomed characters possess.

Unlike Asturias' tortured country, the Ecuadorian village of Icaza's novel has all the simplicity of a Rivera mural; there are no subjective depths and all the answers are given. This, says Icaza in classic Marxist fashion, is how the upper class of a colonial country collaborates with foreign capital to despoil its natives in order to supply raw material for export. The Indians have to be dislodged from their plots of land? — a devastating flood is allowed to build up. A supply road has to be cut through a treacherous swamp? — the Church declares the job a religious fiesta, the politicians a patriotic duty, and the *latifundists* supply free liquor to keep the Indians pliant. The characters are sketchily drawn, the incidents rapidly developed; but the language of the Indians has an incantatory beauty, the horrors illustrate an undeniable logic, and its author's compassion and indignation are genuine.

Asturias' vision of dictatorship and Icaza's straightforward, almost sociological depiction of an Indian village have, of course, intrinsic power. But the American reader will, unfortunately, perceive it darkly in these inadequate translations. Given the limited commercial potential of foreign novels, it's perhaps understandable that Asturias' publisher should simply use the plates of the English publisher, but the deficiences of the translation are thus compounded: the novel is yet to be translated into American English. The Icaza translation does not suffer from this extra distraction, but in addition to its understandable failure to capture the rhythms of Indian dialogue, the straight narration stumbles along in a language known in the trade as translatese.

I suspect that the faults of the translations derive from the good intentions of the translators; they mean to be faithful to the originals and will not alter the syntax of any sentence, the literal meaning of any expression, or the Spanish technique for paragraphing dialogue. The result can be sentences such as: "Pereira would have willingly responded negatively, striking out on that uncertain route, over the untrod wet grass, which was veiled by mist and tortured and groaning with a feverish pulsation of toads and small marsh animals." Or such expletives as "You uneducated brute!"; and dialogue which seems halting to American readers who expect to find the speaker identified in the same paragraph as the lines of dialogue.

Atheneum, a young publishing house, is to be thanked for ending the inexplicable neglect of Asturias, and Southern Illinois University Press for beginning its South American Classics series with so interesting a minor figure as Icaza; but if Asturias' magnificent later novels (like *Hombres de Maiz*, the trilogy on the "Banana Company," and *Week-end en Guatemala*) are to follow and, in the Classics series, the writings of Jose Marti on the United States, both houses must give us faithfulness of another order. A faithful translation is one which reproduces in American English the pace and tone of the original. True, Icaza and Asturias, for different reasons, present enormous difficulties, but the attempt must be made; the American reader can't be asked to accept the publishers' word that these men are important writers, or to transmute such clumsy evidence into the indispensable artistry that makes each of these novels a living experience.

Distrusting the Gaul

FRENCH POETS AND NOVELISTS. By Henry James. Grosset & Dunlap. 350 pp. $4. $1.95 paper.

Germaine Brée

The first American edition of a book of essays by Henry James, published in 1878 in England is a real, though minor literary event. Not that *French Poets and Novelists* reveals a new James; that would hardly be possible. But one wonders by what oversight James's remarkable essays, now edited with meticulous care by Leon Edel, had not long since been made readily available. For a number of reasons they make very enjoyable reading and add an entertaining chapter to the history of Franco-American literary relationships, attractions and suspicions.

James, as is well known, was never quite at home with the French. They made him uneasy. Leafing through these essays, one becomes more than

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ever aware that, for him, the "Gallic" mind was an entity, a kind of concrete, irreducible block, in some puzzling manner "indecorous," ungentlemanly and ruthless. James always aligns himself, in his reticences, with the more trustworthy English mind, respectful of proprieties, nuances and obscurities. As a critic, he can hardly proceed without making some distinction between the one and the other, a mannerism now dated but quite characteristic of the more inveterate refusals and personal modes of feeling of the man.

He knew Paris well, and lived there for one year, but he never considered it as more than a "stopgap," feeling that there he could only be an "eternal outsider." And presumably James really suspected that the French were — as he once said of Flaubert — "deeply corrupted." The cerebral, often doctrinaire, jagged quality of a good deal of literary small talk was alien to his smoother, more intricate approach. But the Paris he had come to know in the seventies — when he wrote the critical articles collected in this volume — was after all somewhat disturbing.

France was just recovering from the shock of a major defeat. The Second Empire had collapsed and its collapse had been followed by a change in the intellectual climate from which James was far removed. This was just as well. James's distaste for the "dirt" of that "inferior genius" Baudelaire — a kind of Anglo-Saxon counterpart to Voltaire's contempt for the "heap of dung" that was Shakespeare — would hardly have helped him to stomach the even more unseemly behavior of a Rimbaud. In the seventies, with the appearance of Mallarmé, Rimbaud and Verlaine, James's literary Paris was already on the wane although no one, least of all the men he encountered, could yet have been aware of it. Flaubert and Turgenev, the writers James admired, were reaching the end of their careers and the high reputations of the "grandsons of Balzac" — Daudet, Maupassant, the Goncourt brothers, Dumas *fils* and, to a lesser degree, Zola — have since proved somewhat volatile. Later, in the mid-eighties, James was to pass young men in Paris salons whose sensibilities, though not their morals, were closer to his own: André Gide, Marcel Proust.

The transitional character of the seventies makes James's reactions to certain writers more understandable and explains perhaps why this accomplished collection of essays looks back to an older generation then fast disappearing: Musset, Mérimée, Gautier, Sand, Balzac, Turgenev, Flaubert.

Though James was instinctively more at home with, for example, the "gentlemanly good breeding" of Charles de Bernard — Flaubert's now forgotten contemporary — than with the "complex imagination, corrupt almost in the germ" of Flaubert himself, he could none the less fully appreciate the difference in stature between the two men. With the single exception of Baudelaire, it may well have been the tug of war between his fine literary apprehensions and the queasiness of his temperament that sharpened his perspicacity. It was the writer in James who forced the critic's somewhat reluctant taste.

The twelve essays in this book originated as occasional criticism: a volume of letters, a controversy in the American press, a death, are pretexts for essays of different scope, sent to various American magazines: *Galaxy*, the *North American Review*, *The Nation* and *Independent*. In most cases, the book reviewed is merely a starting point, an excuse for a thorough, complex, Jamesian discussion of a writer's entire work.

The first three essays on Musset, Gautier and Baudelaire are to be treasured for what they reveal about James. They show us a writer benignly attuned to Musset's facile sentimentality, sharing the taste of his Paris friends for Gautier's picturesque and flamboyant writing, though not without an eye, in both cases, to certain limitations. James speaks of poetry with the happy enthusiasm of the amateur; and this, when he turned to Baudelaire, led him pretty far astray. The moral idealist in James and the "gentleman," balked at the "vicious sentiment" he detected in Baudelaire's verse. "The thinking reader" to whom he imparts his opinion that Baudelaire "signally failed" can only contemplate with some amusement the curious process whereby the Baudelaire article has, with time, become a particularly telling commentary on James himself, damaging neither to the poet nor to his critic. James was not at his best as critic when dealing with poetry, but he was very much himself.

His mastery is clear when he turns to fiction where his critical acumen is wholly admirable. The seventy-two pages on Balzac, unique in their time, are still today among the best ever written. Long before any "modern" critic, James sensed that Balzac's world derived its power from a quasi-demonic visionary imagination. At a time when Balzac was being taken to task for his perverse "bad writing," James never for a moment questioned his mastery. Among the French, Balzac was in James's eyes, the one master. As George Sand now begins to emerge from the literary purgatory to which she has so long been relegated, one can more fully appreciate James's generous, somewhat bemused, but immensely perspicacious evaluation of the woman whose lack of virtue he serenely accepted, won over by her human warmth and her work.

It was a happy idea to add to the original essays the beautiful study of Sainte-Beuve. James, Edel points out in his brief and lucid introduction, had modeled his critical approach on Sainte-Beuve's; but his aesthetic perceptions were more subtle, his lively interest in human relations and fictional techniques went much further when he sought to uncover the bonds linking a writer to his work. However great James's admiration for a

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writer may be — as is the case with Turgenev — he is always aware of the man's limitations, and his subtle shuttling back and forth from writer to work touches center in a way that makes Sartre's dialectic appear inept and crude by comparison. This is evident in the portrait of Sainte-Beuve. Deftly, James circles about his prey, probing the motivations and compulsions with unerring tact and not a little latent and kindly humor. He neither destroys nor lionizes. "Modern" criticism, armed to the teeth with systems and yard measures, could add very little to James's urbane analysis. *French Poets and Novelists* is the rare book of criticism that, almost a century after it was written, gives a good account of itself.

Germaine Brée is the author of Camus *and* Gide *(both Rutgers University Press).*

ART

THE CHICAGO SCENE II

No analytic tool has yet been devised to determine the vitality of a culture's artistic life. The presence of exciting and venturesome works of art, of course, indicates that there had been something conducive, something invigorating, in the atmosphere that brought them forth. But what is one to conclude when a society produces such works, only to see the sources of their creativity dehydrate and diminish before its very eyes? That condition is Chicago's—as recently as six years ago a scene of considerable promise for American art—and today little more than one of its trickling backwaters. That this trend is the reverse of developments in pictorial and three-dimensional art in such cities as Washington and Los Angeles, which historically were far behind Chicago, makes it the more mysterious.

Last week, I suggested some of the city's difficulties. Chicago has always been as maverick in its aesthetic bigotries as it has been prodigal in begetting talents. Against a setting which resembles nothing so much as an unrehabilitated Hiroshima—the open wounds of urban rubble and slum clearance, the scabs of junkyards—artists there evoked a vision that simultaneously reflected disgust at, and flight from, their own reality. Yet, as long as there was hope for some accord with their community, for exchange of ideas and a market of buyers, Chicago retained its painters and sculptors, although it did little enough to deserve them. With the symptomatic collapse of places like the 1020 Arts Center (which put on an excellent Beckmann show) and the Wells Street Gallery (a cooperative of abstractionists), however, there came the ebbing of such hope and the washing away of whatever energy remained of their love-hate relationship with the city.

Ironically, the dispersion of Chicago artists, mostly to the East, coincided with the tentative beginnings of decentralization in our national artistic life. Intensified activity, combined with a new affluence, began to diffuse after 1958 throughout the various urban art worlds in this country. As functioning structures, these worlds require a rising class of collectors, an efflorescence of galleries, critics, a sophisticated audience and, above all, a flexible museum of modern art. This last is central to the health of the visual arts, at least insofar as any *institution* can contribute to such health. Without a museum of contemporary art, artists lack vital information which they must seek at its source. Only a museum can provide them with a dialogue between their own work, their colleagues' and their immediate historical tradition, and the absence of that dialogue condemns them to inevitable provincialism. To answer this need in their own locales, museums of modern art have sprung up in Washington, Minneapolis, Boston and Los Angeles.

Chicago has still to erect its own. With a population of close to 5 million, and only five really respectable galleries, the town reveals a certain deficiency in this matter. Actually, plans to organize a museum and to make it an educational center are more than a decade old; at the moment they are promising. They center upon the possible acquisition of the gracious and well-located Circuit Court

A piece of the action from Newsweek:

"Stickler"

"For two days last week, top officials of the European Common Market hit all the high spots of the Washington scene. There was a lunch at Blair House, a dinner at the Belgian Embassy, and another lunch in the Madison Room of the State Department, which commands the city's best view of the Potomac. No matter what the conversational hors d'oeuvres and garnishes, the solid main course was food —the cutting of tariffs on agricultural products traded between the U. S. and the Common Market..."

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of Appeals Building, soon to be vacated on Lake Shore Drive. It only remains to be seen whether they can be fired by real leadership, the lack of which so far being greater than any financial problem. Had there been a museum of modern art in Chicago as early as the situation warranted it, the drain of artists suffered by the city might conceivably have been avoided.

As to the argument that the Art Institute currently handles the job, that another museum would be a needless or redundant competition—this can be answered easily. Considering the extent and number of its chores, the Institute discharges its responsibilities toward contemporary art in a high-minded fashion. Certainly its collection of the "old masters" of the twentieth century is distinguished. But it can acquire only very few pictures in the modern field, and can mount or originate even fewer exhibitions. Its various annual shows—the Chicago area, the American and the Society of Contemporary Art, are generally unwieldy and unfocused. They inevitably let slip by opportunities of a relevantly topical, thematic or historical nature: opportunities which a more specialized institution can take advantage of, and benefit the city. Similarly, the Arts Club is an excellent noncommercial gallery, with a good record of showing great and reputable modern painting, but it cannot operate on a sufficiently extensive scale.

Of course, the issue is larger than the satisfaction of an elite and professional group. The prospects of a significant enhancement in the cultural life of the metropolis are very beguiling. Especially if a new museum were put into independent hands, an initiative in matters of visual art which has been only too long missing from the scene, might be regained. There is no reason why this city with its facilities and advantages cannot originate artistic events, instead of resignedly and intermittently importing them.

Chicago, furthermore, is the capital of the Midwest, the host to thousands of visitors who come in from Indiana, Michigan, Wisconsin and Iowa, as well as Illinois. Considering the thriving visual art in this country, a response any less than a new museum would be scandalous. So much of the basic equipment for an art world even if now dormant and unexploited, exists in Chicago that the confidence instilled by the proposed institution could catalyze the whole situation. All those visitors might yet have something to visit.

The stage is set for the next unfolding of art in this region. A new, very young generation is coming up fast, and can already be seen in shows like Momentum 2, and those put on by the auspicious John Hunt Gallery. This generation's experience is different from that of its mentor's — much of that previous rage and frightening pathology can no longer be generated —but its requirements have not significantly altered. The pressure it will put upon Chicago to break down its debilitating insularity will and must be great. But there is also another pressure: the welcome spread of artistic activity away from New York. The stakes here are between the staid spread of progressively more homogenized idioms across the country, and widely shared insights, developed competitively, and colored locally. In facilitating the latter, a museum of contemporary art in Chicago might offer a remarkable opportunity. But it is up to the artists and their society to take advantage of it.

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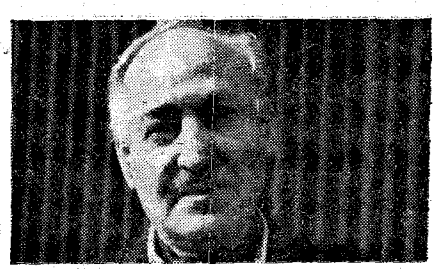

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MUSIC

NEW WORKS AND NEW PERFORMANCES II

Perhaps the most conspicuous recognition of the recent new-music performance activity discussed in my last column was the programing by the New York Philharmonic of an *avant-garde* series as the central event of its current season. In effect, this was a characteristic "official" adoption of aspects of the other realm that had attracted enough notoriety and seemed obviously sensational enough to make an appropriate impact on the general audience. But the actual confrontation proved mainly diffuse and confusing to a public that had no previous awareness of any aspect of the milieu out of which the new works arise, and hence was unable to grasp even the purely iconoclastic points being made. Even more striking was the effect that a similar gap in the experience of the players themselves had on their capacity to perform such new works; the conceptual and mechanical leaps required simply to apprehend the nature of their functions and actions in the new contexts were obviously unattainable, even if the programs had been given many times the rehearsal hours normally available to the Philharmonic.

Under these circumstances, the brilliant performances of the Copland Piano Concerto and Varèse's *Déserts* that were included in the series seem especially noteworthy, for both are older works whose performance qualities are clearly related to traditional practice, and in fact respond quite spectacularly to being treated as "modern" extensions thereof. Bernstein's handling of the Copland Concerto was a particular revelation; he managed to produce transparently clean sonorities even in the slow passages that have always sounded blurred because of the multiple doublings of lines that crisscross in the middle of the texture, and he evoked a continuous stream of inventive rhythmic, sonorous and formal

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ideas in the fast sections, where a fascinating continuity is developed from the juxtapositions and crosscutting in asymmetric lengths of *ostinato* jazz figurations. The result seemed a much more integrally and originally jazz-derived form than anything in, say, Gershwin, and more imaginative and fresh-sounding than any of the twenties-jazz genre outside of Milhaud's *Création du Monde*. Copland's own performance as piano soloist was not only unexpectedly agile and propellent, but produced a curious and hollowly resonant clangor that is obviously the essential sound-image in terms of which all his piano music is composed.

Similarly, the brass playing in *Déserts*, especially as it sounded in the acoustical framework of Philharmonic Hall, projected a "big" proclamatory intensity that is precisely right for Varèse's music, which sounds either blatantly raucous or uncomfortably constrained in the closer and smaller-proportioned chamber-music halls and ensembles. Indeed, given Bernstein's obvious flair and enthusiasm for music of this kind, and the orchestra's evident ability to update its playing (at any rate, its brass, woodwind and percussion playing) if the steps are sufficiently gradual and the effort is convincingly demanded of them, one wonders why works from this literature are not programed more often by the Philharmonic. Such an approach, it seems to me, could well be the salvation of all our major orchestras; I was equally struck by a recent Philadelphia Orchestra preformance under Ormandy of Roger Sessions' new Fifth Symphony, which was not only a completely controlled and coherent presentation of the facts of the work (as compared, for example, with their helpless wandering through Elliott Carter's Variations for Orchestra last year), but contrasted sharply with the sloppiness and coarseness of the performance of the Brahms First Symphony on the same program as well as of much of the orchestra's recent conventional-music playing. It might have proved far more permanently valuable for the Philharmonic to have programed a series of works that could bring both the orchestra and its audience into a closer apprehension of the musical present than to fling them both into a spectacular collision with the most extreme limits of the current *avant-garde* chic — a collision that could only harden their sense of incomprehension and alienation.

As far as the *avant-garde* works themselves were concerned, it should be pointed out that my frequent reservations about music where the composer relinquishes control to the performer or to "chance," have always centered on its lack of perceptual identity rather than on any "moral" objections to the manner of its composition and performance. In fact, it has mainly seemed odd to me that anyone should have assumed that performers making choices on the spur of the moment are more likely to produce interesting relations, striking ideas or even novel sonorities than composers working deliberatively or even on a trial and error basis; or that the abandonment of compositional resources without replacing them by at least equivalently powerful resources should result in musical enrichment, rather than in the impoverishment which is not only to be expected, but so far has been the invariable outcome.

Still, no composer has any obligation to compose in any particular way, or even to be coherent or intellectually or artistically responsible; the sole question is the nature of what is eventually heard. And, the only legitimate way to discuss such works seems to be in terms of what one can hear at a given performance. Accordingly, it seems proper to consider such a performance as defining the work as a composition, and to disregard any considerations of its more general "identity" in terms of some underlying plan of action or numerological note choice. And whether he accepts it or not, one must assume the composer responsible in the usual sense for what is produced—an assumption presumably justified by his acceptance of program credit. For example, the particular dreariness achieved by Iannis Xenakis' music, not only in the Philharmonic's hopeless attempt at a performance of his *Pithoprakta*, but also in the performance of *Achorripsis* heard on Gunther Schuller's series last year, should not be blamed entirely on the arbitrary application of "stochastic" methods, but also on the evident deficiencies in Xenakis' compositional capacities that have led him to accept such results.

It must also be assumed that the considerable difference between the light and delicate sonic interactions heard in the performance of Earle Brown's *Times Five* at the Schuller concerts, and the blurred incoherence that was all that emerged in the Philharmonic's performance of his *Available Forms II* (despite the utilization of about twenty times as much timbral variety and ensemble intricacy), as well as the complete uniformity of the *Hodograph I* on the Contemporary Music Society's Guggenheim Museum series, had as much to do with qualitative differences among these compositions as with the manifest variations in quality among the performances. But since I had previously heard performances of György Ligeti's *Atmosphères*, I can report that it is possible for it to project some quite "atmospheric" surface sonorities in the manner of the echo, scoop, hiss and splutter school of electronic-music composition, none of which could even

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Dimension

Heaven and earth determine
the direction. —I Ching

Beating against the eardrum
Fierce as the first chill of autumn
Thunder strikes its knuckles against the bone

Who are these women? Follow the looseness of
their gait Children trail their skirts
Who are their husbands? The men one never sees

Seeds wait beneath the surface dust dry in the
summer air Somewhere already the earth is splitting
Somewhere already the sky must break falling in
small moist particles onto the ground

As the green plant reaches upward As its own moisture
reaches upward Waiting for the rain

There is one figure that comes forward Clothed in strips
of color he spirals His anguished dance threatening
supplicating the empty sky Things listening could hear
his speech Things listening could feel his feet upon
their breast

The image of thunder and the wind As they tie together
moving bringing about motion The rain as it pulls back
into the night The wind as it steadies the early evening
glare

What is this country that surrounds us? The very earth
its presence We dig deep into the soil Watch our fingertips
grow brown Watch dust sprinkle from our nails But underneath
something lingers indistinguishable from the earth

Pigeons circle a distant roof In formation they turn and
catch the light White and then dark they turn and circle
The summer dims The fall wind drops its death into the
air

Susan Sherman

Thoreau Runs Out Of Sterno

The flags that snap and writhe
and are black are kings
in the beauty of pain. You no longer
care who laughs,

care even less who believes
the tales you gild, or invent.
The flags are coal black, they
want no one's oath. Just a

commonalty of agony, a bunch
of fellow citizens limping
through their wasted minds. No
body wants your opinion, no

one is happy in love, it's pain,
the sands they call beaches
are filled with their brains and their
blood, it boils and steams

in the flesh. The sun
is New Mexican sun, it's regained
its place as a fiend, the beauty of pain
over all, black snapping against blue sky.

Gilbert Sorrentino

The Guards

Off the beaches of my mind
sharks with teeth slanting in
like the bevel of chisels swim.

Jacob Leed

A Spark from Pasternak

Sweet energy of springing black boughs,
"Japanese"
Against brightening blue.
Noon
Will burn upon us, my dear, before we rise.

Sly evergreen
Is striding in the winter woods!

M. L. Rosenthal

The Rugged Individualist

To create your own poverty,
then out of the hatred surely following
to turn into some sneaking thing,

one whose friends are catalogued
as surest victims. Strawberries
and cream are just around

any cozy corner, as is love, as if
love is something that one finds
or is given. As if love

can be won over corpses of dead vows,
remonstrations of care, "care" — a word
so handily deployed, so handily

butchered in the general combat: against
friends. Poverty makes evil, made
poverty begets more evil,

a dune of lies, chicanery
and guile, with strawberries, and cream
around the corner (broken bodies, too, and gin

Gilbert Sorrentino

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have been inferred from the Philharmonic performance.

Of all the new works in the Philharmonic's series, however (I exclude Stefan Wolpe's Symphony because only two movements were performed and because the work is straightforward enough so that one could tell it was badly misrepresented on this occasion), the most conventionally attractive sounds were unquestionably those produced by Morton Feldman's *Out of Last Pieces*. Although the ultimate interest must be limited in any piece whose principal qualities are those of individual sounds rather than the relations between them, the succession of quiet figurational curls in the winds, and gentle sustained sonorities of varying tone-color mixtures could be listened to for much longer without the fatigue of *non sequitur* intervening than can most music of this kind, including Feldman's own.

John Cage's *Atlas Ellipticalis*, on the other hand, cannot be described in such purely musical terms. Without imputing motives, it seems, like all of Cage's jokes, principally designed to see just how far patrons can be made to spend money, musicians be made to perform absurd and humiliating tasks, and audiences and critics be made to endure the necessity of choosing between the embarrassment of remaining to "listen" and of making a public exit in the middle of a performance—an alternative preferred by surprisingly many at Philharmonic Hall.

BENJAMIN BORETZ

(This is part two of a three-part discussion of new music heard in New York this season.)

THEATRE

THREE AT THE CHERRY LANE
FUNNY GIRL

It is altogether likely that the folk who go down to the Cherry Lane Theatre to see the three one-act plays now being given there are witnesses to a signal event: the emergence of an outstanding dramatist — LeRoi Jones.

His is a turbulent talent. While turbulence is not always a sign of power or of valuable meaning, I have a hunch that LeRoi Jones's fire will burn ever higher and clearer if our theatre can furnish an adequate vessel to harbor his flame. We need it.

He is very angry. Anger alone may merely make a loud noise, confuse, sputter and die. For anger to burn to useful effect, it must be guided by an idea. With the "angry young men" of England one was not always certain of the source of dissatisfaction nor of its goal. With LeRoi Jones it is easy to say that the plight of the Negro ignited the initial rage—justification enough—and that the rage will not be appeased until there is no more black and white, no more color except as differences in hue and accent are part of the world's splendid spectacle. But there is more to his ferocity than a protest against the horrors of racism.

Dutchman, the first of Jones's plays to reach the professional stage, is a stylized account of a subway episode. A white girl picks up a young Negro who at first is rather embarrassed and later piqued by her advances. There is a perversity in her approach which finally provokes him to a hymn of hate. With lyrical obscenity he declares that murder is in his and every Negro's heart and were it to reach the point of action there would be less "singin' of the blues," less of that delightful folk music and hot jazz which beguile the white man's fancy, more calm in the Negro soul. Meanwhile, it is the black man who is murdered.

What we must not overlook in seeing the play is that, while this explosion of fury is its rhetorical and emotional climax, the crux of its significance resides in the depiction of the white girl whose relevance to the play's situation does not lie in her whiteness but in her representative value as a token of our civilization. She is our neurosis. Not a neurosis in regard to the Negro, but the absolute neurosis of American society.

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tions. She is the most "informed" person in the world and the most ignorant. (The information feeds the ignorance.) She is the bubbling, boiling garbage cauldron newly produced by our progress. She is a calculating machine gone berserk; she is the real killer. What she destroys is not men of a certain race but mankind. She is the compendium in little of the universal mess.

If *Dutchman* (a title I don't understand) has a fault, it is its completeness. Its ending is somewhat too pat, too pointed in its symbolism. If one has caught the drift of the play's meaning before its final moment, the ending is supererogatory; if one has failed to do so, it is probably useless.

Dutchman is very well played by Jennifer West and Robert Hooks.

The Jones piece is preceded by Beckett's *Play* (previously reviewed in *The Nation*, Jan. 27, 1964), a dramatic "poem" on the futile tragicomedy of adultery, perfect of its kind. There can be no doubt of Beckett's mastery or of his right to say what he does. One may wonder if one "needs" it.

Another item on this program—"Three at the Cherry Lane"—is *The Two Executioners* by Arrabal, a Spaniard whose home is Paris and language French. I found this skit enervatingly banal. I have become sick and tired of matricidal dramaturgy. Won't someone write a truly bold play proclaiming the author's love for his mother and his equally cordial relations with his father? If you don't like the human race why don't you go back where you came from. . . ?

Broadway scuttlebutt has it that $750,000 was spent on the new musical *Funny Girl* (Winter Garden). For all the value in the show the producers would have been well advised to permit its star, Barbra Streisand, to come out and sing some songs on the bare stage—but not the songs she now sings, none of which are any good.

Though Sydney Chaplin has greatly improved since he made his first appearance in New York, and Jean Stapleton and Kay Medford are funny in the few moments they are vouchsafed, there is really nothing to *Funny Girl* but Barbra Streisand. The book if it exists, is phony; there is no dancing to speak of and the music is hogwash, though some of Bob Merrill's lyrics are not bad.

For those who remember Fanny Brice—the show is presumably her "story"—the connection between that great lady, a "funny girl" who at times came close to being a tragedienne, and the star of the present is a little unfortunate. I shall refrain from comparisons because I do not wish to take this occasion to write an appreciation of Fanny Brice, but only to speak of Miss Streisand who is a young woman of unmistakable gifts.

She was brilliantly hilarious in *I Can Get It For You Wholesale*. She manifests new qualities in her present vehicle. She has rhythm—although the rhythm in her numbers now is forced because supplied by her rather than by the composer; she knows how to color the words and phrases of her songs so as to give each of them their specific emotional quality. She has a disarming directness and a simplicity. Very little is "put on," except where her playfulness is a comic comment, usually a mockery of pretension, plus an apology for having so little to be pretentious about. The nakedness, the flat plainness of the world about her, its fundamental lack of glamour, and her refusal or inability to rise above it—though because she is so talented she feels it more than she shows any consciousness of doing—constitute the essence of her appeal, her pathos. What her acting (even more her singing) says is: "I am a woman; I have imagination. I have spirit, humor, keen common sense, a desire to live a full, vivid life; but I dwell in a place and at a time which really deny and cheapen most of these attributes. Therefore I clown, and you who applaud me so rapturously do so because you sense what I am suppressing—our mutual bereavement from beauty."

HAROLD CLURMAN

'The Baptism'

Anyone wishing to check further on LeRoi Jones's sudden and commanding intrusion upon the theatre, may be able to see his *The Baptism*, which is now being presented, on a week-to-week basis, Monday nights in off-Broadway houses that are otherwise dark, but for which backing is being raised for a regular production.

In this black mass version of a Passion play, Jones converts his rage to slapstick blasphemy. A homosexual satan and a cant-singing Negro preacher war for the soul of the young feckless Son of God. The real evil is hypocrisy, the sin of euphemism, and the devil drives it from the stage with a coruscating flow of obscene vernacular. This is not a finished or carefully thought-out play: it is rough work, in every sense, the purging outrageousness of a fine poet. It is also wildly funny, both in its essential comment and from the shock of incongruity. Jones has the gift of vivid economy that sparks his scene into instant activity.

In *The Baptism*, he gets the invaluable cooperation of Taylor Mead as the campy Fallen Angel. Mead, who was one of the antic cast of the film, *Hallelujah the Hills*, has a mocking intelligence, superb timing and a face and body of indescribably mobile depravity.

On the night I was present, Mead also played the title role in Frank O'Hara's *The General*, a vaudeville in which an exceedingly great leader returns to his scenes of Pacific glory. There is not nearly enough substance to the series of loosely-integrated skits, and Mead holds it together by main force of ingratiating corruption.

ROBERT HATCH

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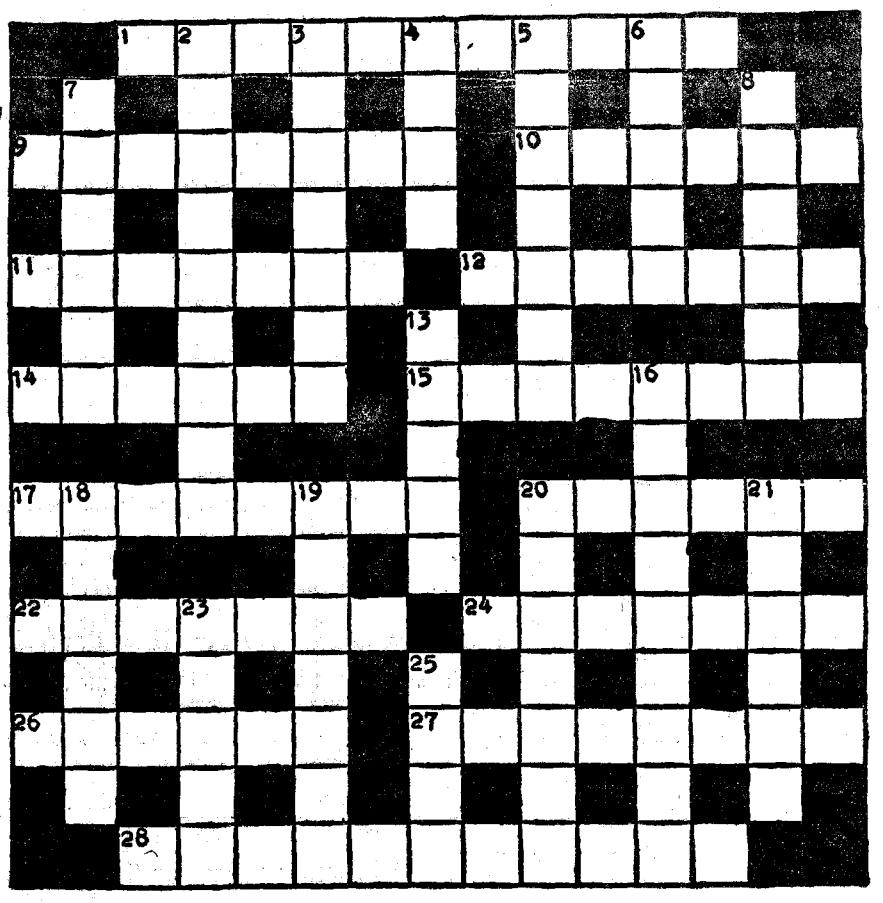
Crossword Puzzle No. 1054

By FRANK W. LEWIS



ACROSS:

1 The sound of contempt near vessels taken by victors for the vanquished. (5, 6)
9 Encountered around a train wreck, according to one who might go by the book. (8)
11 Turn coat, perhaps, if wrong to an old brute. (7)
12 Cuts quite a swath about the tavern, the poor fish! (7)
14 Chants only a little bit of the tune.
17 Double d in England? (8)
20 They go around parts of the morning. (6)
22 A truest measure of one's standing, possibly. (7)
24 and 10 The sort of 19 to create, as we sometimes hope horses do. (3, 4, 2, 4)
26 Does it prove the truth of "all that glitters"? (6)
27 Talk of U.N. trouble! Turn one side! (8)
28 Debugging operations might call for it. (11)

DOWN:

2 One way to make 4? (Perhaps the vast majority have left, but not one who is this.) (3, 2, 4)
3 and 15 The height of lowness? (Under what the judge might charge you with, that is.) (7, 8)
4 A sort of one might be put out of action by 28, but these are often favored. (4)
5 Descriptive of the peninsula if the wreck of 9, not met, is first. (7)
6 Something added to the house and something added to the car is rather capricious. (5)
7 God, posed on what Keats wrote of. (6)
8 However, little birds grow down before they do. (4, 2)
13 They spell trouble when a one-time Secretary doesn't get on with them. (5)
16 The sort of farmers Emerson connected with long shots? (Or world reports?) (9)
18 and 25 down What is reputedly sired by Mississippi with an unhappy expression? (It might permit a run-off, or cause quite a storm.) (10)
19 Help something 8. (7)
20 Swimming is such sport! (7)
21 Does one skip a day, possibly? (6)
23 Causes a certain amount of discomfort in South or North. (5)

SOLUTION TO PUZZLE NO. 1053

ACROSS: 1 Bucephalus; 6 Obis; 10 Lapland; 11 and 14 Heart-to-heart talks; 12 Fresh air; 13 and 4 Cloak and dagger; 15 Eider; 19 Reimburse; 21 Tempo; 23 Talon; 24 Campfire; 27 Lampoon; 28 Alights; 29 Sock; 30 Monday wash. DOWN: 1 Bulk; 2 Capered; 3 Prays; 5 Usher; 7 Betroth; 8 Shock-proof; 9 Watch out; 16 Robinson; 18 Dreamland; 20 Islamic; 22 Morphia; 24 Canto; 25 and 17 Fairy godmother; 26 Asch.

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